

Special Education Learning Recovery Allocation for Fiscal Year 2021–22

Frequently Asked Questions (FAQ):

1. What is purpose of these funds?

Section 161 of AB 130 (Chapter 44, Statutes of 2021) appropriated \$450,000,000 from the General Fund to the CDE, on a one-time basis, for allocation to Special Education Local Plan Areas (SELPAs) to provide “learning recovery support.” Specifically, this funding shall be expended by SELPAs and their member LEAs for purposes of providing learning recovery support to pupils¹ with disabilities associated with impacts to learning due to school disruptions stemming from the COVID–19 public health emergency during the period of March 13, 2020, to September 1, 2021, inclusive.

2. What are the requirements of these funds?

In expending funds appropriated for this purpose, SELPAs and LEAs shall do all of the following:

- Ensure that learning recovery support provided with these funds is related to COVID–19 school disruptions during the period of March 13, 2020, to September 1, 2021, inclusive.
- Match funding received under this section on a one-to-one basis by other funds spent for these purposes.
- Not use this funding to supplant existing expenditures or obligations of the LEA.²
- Not use funds received under this section for, or use these funds to match expenditures for, attorney’s fees.

3. How much time do we have to expend funds?

All funds must be encumbered no later than June, 30, 2023.

4. When and how will LEAs and SELPAs receive these funds?

¹ Pursuant to Section 161 of AB 130, and for purposes of this funding, “Pupil” means an individual with exceptional needs, as defined in Section 56026 of the *EC*, during the COVID–19 school disruptions from March 13, 2020, to September 1, 2021, inclusive, or an individual who was referred for assessment pursuant to Section 56029 of the *EC* and whose assessment was delayed due to the COVID–19 school disruptions from March 13, 2020, to September 1, 2021, inclusive.

² The CDE’s understanding is that discussions regarding application of the terms “matching” and “not supplanting,” as used in AB 130, Section 161, are continuing in the Legislature. The CDE will post amended FAQs if any changes are adopted.

The CDE will allocate the funds directly to SELPAs on or before August 31, 2021 using the formula set forth in AB 130, Section 161.

5. What is the definition of Learning Recovery?

Learning recovery support is not defined in this context. Therefore, SELPAs and LEAs may apply that term broadly to justify expenditures that address impacts to learning due to COVID-related school disruptions from March 13, 2020 to September 1, 2021, inclusive. This may include expenditures related to hiring new staff, contracting for additional service providers, or paying overtime or providing substitutes for existing staff, in order to provide missed services, conduct overdue assessments, or hold overdue IEPs. It may include expenditures relating to transporting students to make-up of missed services. It may also include expenditures relating to providing other services that address these impacts including facilitation of collaborative IEP team meetings and/or conducting outreach to parents and students. The funds may not be used to pay for already-existing staffing costs. SELPAs and LEAs are encouraged to leverage these funds in innovative and strategic ways that directly respond to the needs of individual students.

6. What are the requirements of the Learning Recovery Plan (LRP)?

On or before October 1, 2021, SELPAs are required to work with member LEAs to develop and submit a plan to the CDE detailing how the SELPA and its member LEAs will implement the requirements associated with this funding, including detailed proposed expenditure information broken down by eligible activity; the number, disabilities, and demographics of pupils proposed to be served; evidence of matching funds as required by this section; and any other information required by the CDE. The plan should also specify the intended uses of the funds. The CDE expects that plan include enough specificity to understand how the funds will be used to help students impacted by school disruptions. The CDE encourages SELPAs and LEAs to consider innovative and strategic ways to support students and meet their current needs as they return to in-person instruction.

7. How does the LEA and SELPA determine the needs for using the funds?

SELPAs will work with their LEAs to determine the needs of their LEA and how to build a plan to meet those needs. Determining Learning Recovery support needs for students with disabilities should be an individualized process which may vary from the LEA to LEA.

LEAs may wish to review outcome data prior to COVID–19 school disruptions to establish a baseline and compare performance on specific data points. Examples of data that may be useful in determining the needs of the LEA include, but are not limited to:

- Local and statewide assessment data

- Behavior data
- Student engagement data
- Teacher data
- Data on initial assessments and annual IEPs
- Parent survey data

8. What does “the number, disabilities, and demographics of pupils proposed to be served” mean? How should that be detailed in the plan?

The plan should identify the target population for those funds, including the number of students with disabilities this plan intends to serve. If the plan is targeted to a specific student population based on disabilities or demographics, it should be described in the plan. There is a place on the plan template where the target population will be notated. The CDE encourages SELPAs to work with the LEAs to conduct a data analysis to identify students with disabilities most impacted by school disruptions from COVID-19 pandemic and target their resources to those efforts. This may include reviewing data from local assessments or other applicable local data. The LEAs should consider data that will be collected by the SELPA for submission to CDE that describes how funding received under this section was spent and that includes a summary of learning recovery services provided pursuant to this section. The summary shall include the demographics of pupils served through the provided learning recovery and supports, including, but not limited to, the pupil’s disability, family income, English learner classification, and the parent’s primary language.

9. Who should complete and submit the plan?

This is SELPA-level plan, meaning that SELPA should work with their LEAs to determine the needs of their member LEAs. Some LEAs in a SELPA with similar needs may form a consortium and the SELPA can work with them to develop a plan that applies to all the LEAs. Some LEAs may identify their own needs, and the SELPA will work with them to develop a plan tailored to those individualized needs.

10. If LEAs in my SELPA intend to use the funds to address different needs, how does that change the plan submission?

The SELPA will work with the LEA to develop a plan that is specific to the way the LEA intends to use the funds. This plan will be prepared and submitted by the SELPA. In such cases, the SELPA will prepare and submit a plan that reflects multiple plans of their member LEAs. CDE does not expect that the LEA submit an independent plan directly to CDE, even if it intends to use the funds differently than other LEAs in the SELPA.

11. What if a consortium of LEAs would like to work together to address the same need and pool their Learning Recovery funds?

If a consortium of LEAs within a SELPA would like to pool their funds to maximize resources available to address learning recovery, the SELPA will prepare and submit a plan that reflects the consortia in its submission. CDE does not expect that the consortia prepare or submit an independent plan.

12. What expenditures information will need to be provided?

The Plan template includes a table that identifies a number of proposed expenditures for the plan. The SELPA should prepare the proposed expenditures based on the plan detailed in the template.

13. Where do I send the completed plan?

The plan or plans should be submitted by the SELPA by October 1, 2021 to CDE via email at LearningRecoveryPlan@cde.ca.gov.

14. Does the plan need to be signed?

The plan will be submitted via email and the CDE will accept that as electronic submission by the SELPA. An electronic signature is not required.

15. Will the CDE approve or accept submitted learning recovery plans (LRPs)?

The CDE will not be approving the plan, but will accept them and support the implementation by SELPAs and LEAs.

16. How will we amend or adjust our plan to reflect changes?

The CDE may conduct checkpoints, by reaching out to the SELPA to determine if there are updates to the plan, if the implementation is proceeding as intended, and if the SELPA or LEA need additional supports to implement their plan as designed.

17. Will the CDE monitor student outcomes? When? How? To whom? What does final reporting look like and when is it due?

On or before **September 30, 2023**, SELPAs shall submit a report to the CDE that describes how funding received under this section was spent, including a summary of the learning recovery services provided. The report shall also include the demographics of pupils served through learning recovery supports, including, but not limited to, the pupil's disability, family income, English learner classification, and the parent's primary language. As the learning recovery supports are implemented, SELPAs and LEAs must keep track of the demographic information for all pupils served on the LRP, to include on this report.

18. Are the requirements the same for Charters and COEs?

The language in the statute does not differentiate between different types of LEAs. Therefore, the requirements are the same for Charter Schools that are their own LEAs for purposes of special education, and COEs.

19. Who do we contact with questions?

Your Focused Monitoring and Technical Assistance (FMTA) Consultant will be your primary point of contact for questions related to the LRP. Your FTMA consultant can be found at <https://www.cde.ca.gov/sp/se/ga/fmtacncnt.asp>.

20. How does this plan relate to the SEP or any other monitoring plan? (LCAP, etc.)

This plan is not related to other plans, but if there are instances where the improvement activities in the SEP or LCAP overlap with this plan to address impacts of the COVID-19 school disruptions, the CDE encourages you to maximize the resources across the LEA to support student needs.

21. Should every special education student be part of the recovery plan?

Not every student with an IEP will require learning recovery services, and learning recovery services are not necessarily required for the same amount of time that was missed (i.e., minute for minute, or hour for hour). Recovery services should focus on helping the student achieve the level of progress on IEP goals expected if the pandemic had not occurred. These services should not be based on a percentage or formula calculation. Whether learning recovery services are required, and if so the type and amount of recovery services should be an individualized decision for every student with an IEP.

22. What is the timing and how soon do these funds have to be spent/obligated?

The funds will remain available through September 30, 2023.