

Transportation Aid

On November 6, the State Education Department released a memorandum stating that transportation expenses incurred by districts during the period of time schools were required by the Governor to go remote and develop plans to distribute meals for students - mid March through the end of the school year in June - would not be eligible for transportation aid. SED's memo stated that because districts were not transporting students to and from school, existing state law effectively prohibits the state from providing aid reimbursement.

The Department's memorandum also stated that it will propose legislation to assure that districts can be reimbursed for costs they incurred in good faith.

But for now, this is a devastating situation for our schools and students, as it will lead to a reduction of an estimated half billion dollars in state aid, as compared to funding levels included in the 2020-21 enacted state budget. Anticipating this alarming possibility, our groups immediately highlighted this issue and asked for clarity from state policymakers. While the topic was discussed repeatedly, no determinative statements had been made, until now.

The potential loss of budgeted state aid is incredibly harmful by itself, but not receiving any meaningful information on this issue until now prevented districts from making any budgeting decisions at a time when savings could have been more manageably achieved. With no indication that aid would not be paid, districts recognized the importance of retaining bus drivers and other transportation staff. Layoffs would have only contributed to the historic levels of unemployment seen across the state and country, and would have exacerbated the significant challenges districts already have with bus driver shortages. As SED's memo states, many districts kept transportation staff on the payroll after schools closed in March so that they would retain the capacity to transport students if it did become possible to reopen schools later in the spring. The Executive Order closing schools for the rest of the remainder of the year was not issued until early May.

School districts were told repeatedly during the spring that the state did not intend to harm districts that were striving to do the right thing, to meet the unprecedented challenges that our schools and students faced – but this unfortunately does just that. During the spring, districts were using buses and transportation staff to deliver meals and instructional materials to residences, serve as Wi-Fi access points and provide other supports to students and families during the height of the pandemic. While districts did this because of the importance of keeping students safe, fed and educated, it was also done because the Governor mandated provision of many of these services through Executive Orders. The state should, at a minimum, grant financial support for the services they specifically required districts provide.

Further, the federal CARES Act directed any school district and other entity receiving assistance, "...to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to Coronavirus." Many school districts believed at the time that continuing to employ bus drivers and other transportation staff fell within that directive. We have received no indication from either the state or federal government to the contrary.

SED has indicated it will put forward a proposal that would grant transportation aid for costs of keeping employees and vendors on standby through May 1 (when it was announced that schools would remain closed for the year) and for expenses specifically related to delivering student meals and instructional materials from May through the end of the school year. The Senate also passed legislation this summer, S.8585-A (May)/A.10757 (Stirpe), that would affirm that transportation aid would be provided for costs related to the delivery of student meals, instructional materials and any other materials to students' homes during the COVID-19 pandemic.

It is critical that policymakers come together as soon as possible to enact these changes. But lawmakers should ensure state aid is provided for all typical transportation expenses during the pandemic, as the enacted state budget assumes. Districts are already contending with frozen state aid, increased expenses related to opening schools during a pandemic and the threat of a \$5 billion midyear cut in state aid. The last thing they should also have to deal with is a \$500 million loss of state aid because an aid formula that was enacted decades ago was not designed with the foresight to predict school districts would be required to respond to a new global pandemic.

We look forward to working with you to solve this issue as soon as possible, so that our students and staff are not unnecessarily harmed by this unfortunate situation.