

# AGENDA

## ASSEMBLY BUDGET SUBCOMMITTEE No. 2 ON EDUCATION FINANCE

ASSEMBLYMEMBER KEVIN McCARTY, CHAIR

TUESDAY, APRIL 28, 2020

PART I: 10:00 A.M. – STATE CAPITOL, ROOM 4202

PART II: 3:00 P.M. – STATE CAPITOL, ROOM 4202

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## INSTRUCTIONS FOR PUBLIC PARTICIPATION

Due to social distancing requirements, today's hearing will include the use of video conferencing technology to facilitate panelists and will have a moderated telephone line to assist with public participation at the hearing. The hearing itself can be viewed remotely through the live stream on the Assembly's website.

The public may provide public comment after the conclusion of member questions by using the following toll-free number: **1-877-692-8957; Access Code 48 53 20.**

If you encounter technical problems with accessing the public comment phone line, please contact the Assembly Budget Committee at (916) 319-2099 and a staff member will assist you.

The public may also submit written testimony to [BudgetSub2@asm.ca.gov](mailto:BudgetSub2@asm.ca.gov). All testimony received by the end of the day on April 28<sup>th</sup> will be compiled and sent to all Budget Committee members. In addition, staff will respond to any and all comments received through this email account.

## ITEMS TO BE HEARD

### 6100 DEPARTMENT OF EDUCATION

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#### ISSUE 1: COVID-19 IMPLICATIONS FOR K-12 SCHOOL FINANCES, ACCOUNTABILITY, AND SAFETY

##### PANELISTS

- Jessica Holmes, Department of Finance (DOF)
- Edgar Cabral, Legislative Analyst's Office (LAO)
- Stephanie Gregson, California Department of Education (CDE)

##### BACKGROUND

**BUDGET FUNDING DURING COVID:** In response to the COVID-19 pandemic, nearly all public schools in California have closed their campuses, and many Local Education Agencies (LEAs) are planning to be closed for the remainder of the 2019-20 school year.

The Legislature passed SB 117 (Committee on Budget and Fiscal Review, Chapter 3, Statutes of 2020) prior to adjourning for an emergency break, with the intent of holding LEA employees and contractors harmless and making the education system infrastructure stable during the COVID-19 pandemic closure period. SB 117 appropriated \$100 million in anticipation of LEA reopening costs for PPE and cleaning. The California Department of Education has released guidance for SB 117 and numerous COVID-closure policies on their website:

<https://www.cde.ca.gov/ls/he/hn/coronavirus.asp> .

Prior to the pandemic, the 2019-20 Budget Act reflected a \$71.2 billion Proposition 98 funding level for California K-12 public schools in the current year, and the Governor's January budget proposed a \$74.28 billion Proposition 98 K-12 funding level for the 2020-21 Budget Year. This 2020-21 January budget included a 2.29% cost of living adjustment (COLA) for the Local Control Funding Formula (LCFF) and statutory COLA programs, a large new investment in Special Education, an on-going increase in School Meal funding, and numerous one-time program investments outside of the LCFF.

In response to the COVID-19 impact on schools, Congress passed the CARES Act, which includes over \$31 billion for public schools and higher education, in one-time relief funding. The LAO estimates that California will receive \$3.7 billion. Of this funding, \$1.6 billion is for K-12 schools with at least 90% going directly to LEAs on a Title 1 census formula methodology. An additional \$355 million in discretionary funding is available across all the segments. The federal law has also allowed for numerous accountability waivers, which California is pursuing.

As it became clear that school closures would be prolonged and potentially through the entire 2019-20 school year, the Administration has released multiple Executive Orders, and the CDE has released numerous relevant guidance posts on assessment, accountability, and reporting waivers and flexibility during this closure period, all available on the CDE website: <https://www.cde.ca.gov/ls/he/hn/coronavirus.asp> .

**Protective Equipment and Cleaning:** SB 117 anticipated that LEAs would have personal protective equipment (PPE) and deep cleaning fund needs during the school closure period, regardless of length, as schools planned for providing school meal and child care access during the closure period, and then when schools were scheduled to reopen for instruction. SB 117 funds are also available for school meal program costs and distance learning materials.

There is no information currently on availability of PPE and cleaning supplies for LEAs. FEMA funding is now available for reimbursing local and state agencies in part, for COVID-related equipment.

<b>LEGISLATIVE ANALYST</b>
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Prior to the COVID-19 pandemic, the LAO was citing cost pressures for LEAs in a COLA-only budget, including growing pension and health care costs, compensation increase pressures, and declining student enrollments.

In a recent COVID-19 budget update the LAO has added: A budget problem occurs when the state's anticipated General Fund revenues are less than the General Fund costs to maintain the cost of state services. When the Governor releases his May Revision, the state likely will be facing a budget problem. That problem would come from three sources, all related to COVID-19:

- **Higher Direct Costs to Respond to Public Health Emergency.** The state already has incurred significant costs to respond to the public health emergency. For example, the state has allocated funding to lease medical centers to expand the state's hospital and laboratory capacity and purchase and refurbish medical supplies, including ventilators. Higher costs for state health programs to provide testing and treatment to COVID-19 patients also are likely.
- **Higher Indirect Costs as a Result of Changes in the Economy.** The state also will incur higher indirect costs from changes in the state's economic circumstances that are resulting from the public health emergency. For example, as unemployment in California rises and incomes fall, more people will qualify for means-tested programs like food assistance. In past recessions, these types of costs have risen by low billions of dollars.

- **Lower Revenues as a Result of Changes in the Economy.** Finally, the largest budgetary impact of the COVID-19 emergency is likely to arise as a result of lower revenues. Our office has estimated that—in a typical economic downturn—revenues are lower by tens of billions of dollars across a multiyear period. The length and severity of the public health emergency will drive the severity of the economic disruption and the ensuing revenue implications.

#### STAFF COMMENTS

When the Legislature passed SB 117, the closure of schools through the fall of 2020 was not anticipated.

In response to the growing needs of LEAs to address the range of closure impacts, CDE guidance on SB 117-allowable expenditures has been expanded include distance learning materials and meal services, as well as Personal Protection Equipment (PPE) and cleaning.

As economic conditions continue to deteriorate, the state of Proposition 98 funding for the 2019-20 and 2020-21 Budget Years has become uncertain. Further, the postponement of revenue collection until July 2020 will not allow the state to have an adequate revenue picture prior to the June 15<sup>th</sup> Budget deadline.

In anticipation of decreased revenues in both the Current Year and Budget Year, the Administration has asked various agencies to pause on contracting for un-awarded one-time and on-going Proposition 98 and non-98 General Fund programs, for possible re-consideration in the May Revise and “August Revise.”

The federal CARES investment in schools, while crucial, is significantly less than the American Recovery and Reinvestment Act of 2009 (ARRA) federal stimulus package during the Great Recession, which provided California a total almost \$8 Billion to backfill significant state education funding losses over a multi-year period.

#### Suggested Questions:

- What could the range of impact be to the Current Year Proposition 98 guarantee, and how could the SB 117 hold-harmless exacerbate this funding crunch for LEAs?
- Should federal CARES funds be leveraged for short-term learning recovery needs, or viewed as the last federal investment in school solvency?
- What impacts could this unanticipated downturn have on already financially struggling LEAs?
- What long-term problems could emerge for our data and accountability systems, for this one-time pause?
- Does the Administration still expect LEAs to purchase their own PPE, or will they be able to access the state stockpile?

**ISSUE 2: COVID-19 K-12 SCHOOL CLOSURES: HOW CAN CALIFORNIA MITIGATE LEARNING LOSS?**

The Subcommittee will hear information about and discuss how California public schools are planning to mitigate learning loss during COVID-19 school closures and the summer break.

**PANELISTS**

- Stephanie Gregson, California Department of Education
- Dr. Linda Darling Hammond, California State Board of Education
- Dr. Heather Hough, Policy Analysis for California Education (PACE)
- Jessica Holmes, Department of Finance
- Dr. Daryl Camp, San Lorenzo Unified School District.
- E Toby Boyd, California Teachers Association
- Dr. Elisha Smith Arrillaga, The Education Trust-West
- Lea Darrah, California Parent Teacher Association

**BACKGROUND****Executive Action on “Distance Learning”**

After the passage of SB 117, and the ensuing closure of most California school campuses due to the COVID-19 pandemic, Governor Newsom issued Executive Order N-26-20, which provides that even if schools close temporarily because of COVID-19, school districts must:

- Continue delivering high-quality educational opportunities to students through other options, distance learning and independent study;
- Safely provide school meals through the Summer Food Service Program and Seamless Summer Option, consistent with the requirements of the California Department of Education and U.S. Department of Agriculture;
- To the extent practicable, arrange for supervision for students during ordinary school hours
- Continue to pay employees.

The full Executive Order is available here:

<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.13.20-EO-N-26-20-Schools.pdf> .

The CDE has provided further guidance and advice on how to achieve this continuity of “high-quality education opportunities” during the school closure period, including addressing possible inequities for children with Individual Education Plans (IEPs) and students without device or internet access for on-line learning models.

**According to CDE guidance:** “Distance learning” means instruction in which the student and instructor are in different locations. This may include interacting through the use of computer and communications technology, as well as delivering instruction and check-in time with their teacher. Distance learning may include video or audio instruction in which the primary mode of communication between the student and instructor is on-line interaction, instructional television, video, telecourses, or other instruction that relies on computer or communications technology. It may also include the use of print materials incorporating assignments that are the subject of written or oral feedback.

School districts, county offices of education, and charter schools (local educational agencies/LEAs) should immediately begin developing a plan for distance learning for their students and providing training and professional development for their teachers to implement the adopted distance learning strategy as effectively as possible. LEAs will need to assess their ability to deliver instruction both in an online setting and also in a non-technological setting, keeping in mind that not all children and families have access to devices or high-speed internet, and that the LEA may not be able to meet the needs of all its students through online instruction.

Elements of the plan might include, but not be limited to, the following:

- Short- and long-term goals, accounting for the length of time currently planned for the school site to be closed and for the possibility that the closure may need to be extended based on the best evidence available in the future
- Plan to assist teachers in analyzing the course sequence prior to closure so that they can develop a plan to cover the content and standards necessary to complete the planned course syllabus and to provide training on how to continue to deliver instruction
- Continuum of delivery options for various grade levels, such as a fully online curriculum or online curriculum with individualized or small group interaction with teachers.
- Continuum of delivery methods, such as a combination of technology, innovative use of other media (such as television), paper packets, or onsite meetings for a limited number of students, consistent with social distancing requirements
- Plan for how to allow teachers to engage with one another to calibrate on offerings for students, exchange of effective practices, or adjusting approaches to ensure engagement with students.

The complete CDE guidance is available here:

<https://www.cde.ca.gov/ls/he/hn/distancelearning.asp> .

**Distance Learning Data:** According to recent surveys, LEAs appear to be evolving quickly with distance learning and online learning accessibility.

As of an April 7<sup>th</sup> state survey, with an approximate 20% LEA response rate: 70% of reporting LEAs (charter and traditional LEAs) had already begun Distance Learning plans with their students, and over half of those without active plans intended Distance Learning to come on line before April 15<sup>th</sup>.

As of an updated April 17<sup>th</sup> state survey, with a 37% LEA response rate: 99.5% of reporting LEAs confirmed a Distance Learning plan, for before the previously scheduled summer break. 2/3 of LEAs planned to have a super-majority of instruction/instructional support online. Notably - only half of these same LEAs reported universal device access, and only a quarter reported universal internet access, for their students.

According to a recent poll of California parents by the Education Trust-West, nearly 9 in 10 California parents are worried about their children falling behind academically due to coronavirus-related school closures, and 8 in 10 are experiencing heightened stress levels, 81% of respondents rate school leaders' general handling of the closures as "excellent" or "good."

The Ed Trust-West poll also displays accessibility gaps by race and home-language: 4 out of 5 (82%) Latinx and 3 out of 4 (76%) African American parents are concerned they do not have the resources or supplies to help their child stay academically on track. Nearly 1 in 4 (21%) Latinx and 1 in 10 (12%) of African American parents reported receiving little to no information about academic or other resources from their school or district. For parents who did receive academic resources, students in low-income households were less likely to receive science instructional materials. African American parents are less likely to have been contacted by their child's teacher. (33% compared to approximately 41% for all other racial groups). A quarter (25%) of non-English home speakers say their child's school has not provided materials in other languages. Only 31% of all parents reported that their school or district is providing instructional materials for English learners.

The Ed Trust-West poll displays further the digital divide impacting distance learning access, by race and income: 38% of low-income families and 29% of families of color are concerned about access to distance learning because they don't have reliable internet at home. 50% of low-income and 42% of families of color lack sufficient devices at home to access distance learning.

**Digital Divide:** On April 20th, the Administration released an update on Digital Divide initiatives for schools: <https://www.gov.ca.gov/2020/04/20/governor-newsom-announces-cross-sector-partnerships-to-support-distance-learning-and-bridge-the-digital-divide/>

**Learning Loss:**

**Learning Loss Research:** Based on on-going research regarding Summer Learning Loss, numerous research organizations are beginning to unpack the potential short- and long-term impacts of COVID school closures on student learning and academic outcomes. This research may help California understand the intersections between school break learning loss and the short-comings of online instruction models.

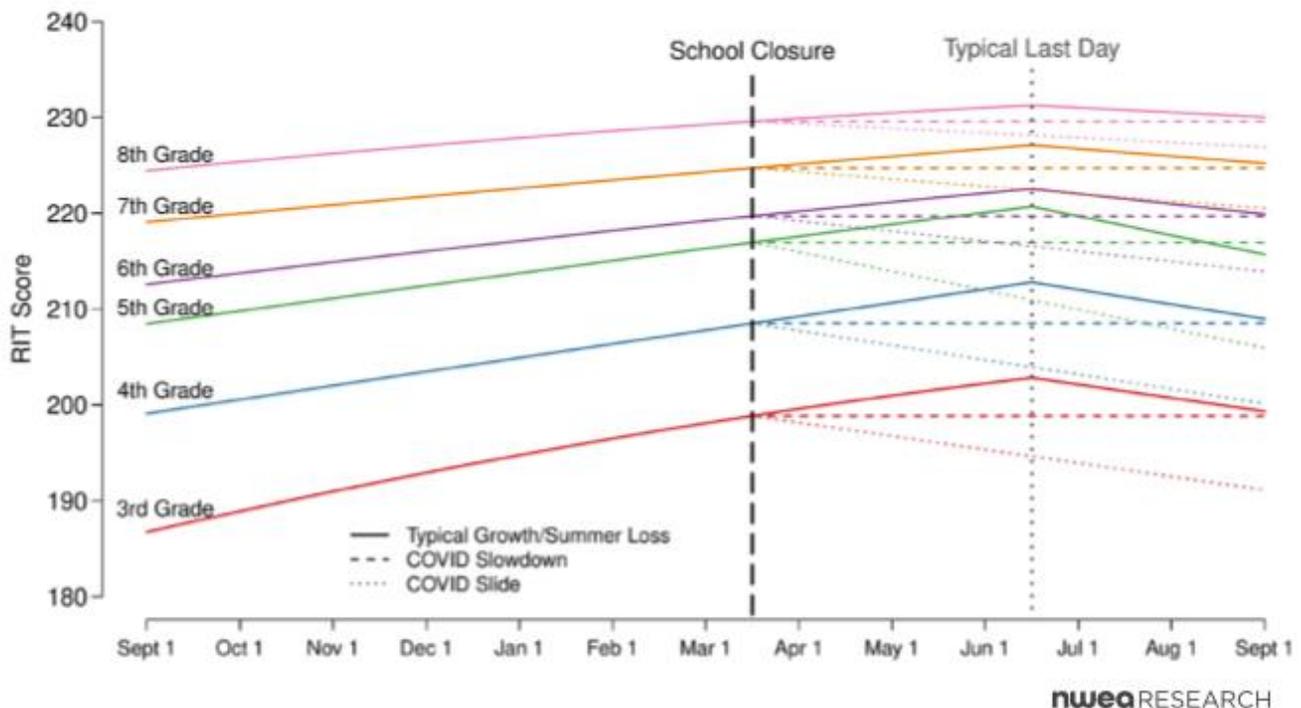
In an early March Learning Policy Institute blog on COVID-19 school impacts, California State Board President, Dr. Linda Darling Hammond, commented: “This is a moment that exposes the many inequities in our society — from the broadband and computers needed for distance education to the supportive environments needed to focus on learning. For the millions of children who are homeless, food insecure, without health care, school is often the one place where they feel safe and where they are take care of.”

<https://learningpolicyinstitute.org/blog/commentary-learning-time-covid-19>

Research is lacking on high quality, on-line only instruction: According to a recent publication by the American Education Research Association: “Students in online-schools are performing worse on standardized assessments than their peers in traditional charter and traditional public schools, and students of color are far less likely to be enrolled in online-schools compared to their white peers.” The research further finds: “three trends are consistent across seasonal learning research findings: achievement typically slows or declines over the summer months, declines tend to be steeper for math than for reading, and the extent (proportionally) of loss increases in the upper grades.”

Preliminary COVID slide estimates by the NWEA suggest huge losses during the short-term, assuming no intervention: “students will return in fall 2020 with roughly 70% of the learning gains in reading relative to a typical school year. However, in mathematics, students are likely to show much smaller learning gains, returning with less than 50% of the learning gains and in some grades, nearly a full year behind what we would observe in normal conditions.”

Figure 1. Mathematics forecast



Source: NWEA [https://www.nwea.org/content/uploads/2020/04/Collaborative-Brief\\_Covid19-Slide-APR20.pdf](https://www.nwea.org/content/uploads/2020/04/Collaborative-Brief_Covid19-Slide-APR20.pdf)

**School Meals:** The School Meal Program in California is significant; 60% of California students are eligible to receive free or reduced price meals at school, and almost 3 million lunches are served every school day. Meal program costs are normally reimbursed, for eligible students, through a combination of federal and state funds. For example, in 2019-20, districts that participate in the federal National School Lunch Program generally received \$3.50 per free lunch and \$3.10 per reduced-price lunch. The state program provides an additional 24 cents per free or reduced-price breakfast or lunch.

With the closure of schools, LEAs have a choice to safely provide school meals through the Summer Food Service Program and Seamless Summer Option, consistent with the requirements of the California Department of Education and U.S. Department of Agriculture. Governor Newsom’s executive Order N-26-20 specifically raised the issue of school meal provision, but did not mandate school meals during school closures. School lunch provision is mandated for all students eligible for free and reduced price meals during the regular school year.

The federal CARES Act includes \$8.8 billion for USDA School Meal programs. This could mean approximately \$880 million for California’s school meal program. No details are available at this time regarding USDA guidance or timing for these funds.

CDE estimates that school meal programs are serving significantly less students during this closure period, than during the normal school year. Data will not be available on actual meal counts until May, but CDE estimates meal services to be between 25% and 60% of normal levels. Recent data from CDE indicates 830 LEAs and 35 community organizations had submitted waivers in order to provide meals during the COVID-19 closures as of April 17. This is ~65% of the number of LEAs that were providing meals before the closures through the National School Lunch Program. CDE's most recent information estimates 5,300 meal sites were included in the waivers received so far. Plans for summer meal programs (after previously planned summer break start) are unknown.

Reasons for LEA scaled-back or closed meal programs range from uncovered program and labor costs, a lack of demand, or concerns for public health and employee health. The summer meal program does not have a state 24 cent reimbursement.

The Families First Coronavirus Response act (FFCRA) authorizes the Secretary of Agriculture to approve state agency plans to provide school meal benefits to eligible children through the state's Supplemental Nutrition Assistance Program (CalFresh). All California children who qualify for free and reduced priced school meals would be eligible to receive an equivalent school meal benefit through CalFRESH on an Electronic Benefit Transfer (EBT) card. The CDE and DSS are working currently on accessing this option for California students. Students receiving CalFresh cards would still be eligible for school meals offered in their community.

<b>STAFF COMMENTS</b>
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Recent Executive Orders and CDE Guidance have allowed LEAs to open school campuses (under Public Health protocols) for various programs, including school meals, child care, and After School Education and Safety (ASES) programs. However, in light of the projections for COVID-19 learning loss, shortcomings for online-only instruction, and persistent achievement gaps that will be exacerbated by the digital divide and a lack of accessibility for Dual-language households and students with special needs, the state should consider what, beyond existing Distance Learning efforts, is a necessary education response.

Learning loss mitigation prior to the 2020-21 school year, in particular for traditionally low-performing students and/or matriculating students, can be considered as part of the June Budget Act, but requires more advanced planning and resources at the local level for successful execution.

**Suggested Questions:**

- Are state education leaders talking about how long distance learning will be necessary?
- Are we talking about when schools may reopen, and how? How will the state budget need to be responsive?
- Internet and device accessibility concerns are statewide. Is there a possible state level solution, including low-cost internet for all student households?
- San Diego Unified has accelerated planning for a summer school, as a learning loss program, with an estimated \$52 million price tag. How much preparation time is needed for LEAs to follow suite?
- What is the range of lost weeks for instruction, state-wide? Some LEAs estimate that with testing freezes and other “end of year” activity cancellations, approximately 4-8 weeks may be lost?
- Are earlier start dates to the 2020-21 school year being considered?
- Traditional summer school programs normally aim to prevent learning loss – not necessarily make up for lost instructional time. What is the effective design for summer learning, post-COVID?
- Does the Administration plan to encourage or require school meals to be served through the summer?

**6100 DEPARTMENT OF EDUCATION**

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**ISSUE 3: CHILD CARE SERVICES DURING COVID-19 CLOSURES & RECOVERY**

The Subcommittee will hear information about and discuss implementation of state-supported child care for essential workers during COVID-19 school closures and the summer break.

**PANELISTS**

- Jessica Holmes, Department of Finance
- Stephanie Gregson, California Department of Education
- Dr. Michael Olenick, Childcare Alliance of Los Angeles
- Catherine Goins, Placer County Office of Education
- Renaldo Sanders, Child Care Providers United (CCPU), a project of SEIU and UDW AFSCME

**BACKGROUND****Childcare for Essential Workers**

California appropriated over \$4 billion for various child care and development service programs for the 2019-20 Budget Act, including California State Preschool, General Child Care, and portable child care vouchers for CalWORKs families, and low-income working families in the Alternative Payment Program. Additionally, California also has approximately \$1 billion in direct-funded federal Head Start programs.

SB 117 provided the Superintendent authority to hold harmless all state-subsided child care, as local shelter-in-place orders began. CDE issued a 30-day hold harmless policy for Alternative Payment programs, regardless of closure or low-attendance beginning March 19<sup>th</sup>, from the date of closure. All California State Preschool Program and General Child Care contractors have an emergency hold-harmless in place until the end of the fiscal year, regardless of closure or attendance.

On April 10<sup>th</sup>, the Governor announced the release of \$100 million in SB 89 funds to support childcare services. \$50 million will be used for new short-term child care vouchers for approximately 20,000 children of essential workers and other vulnerable populations. The other \$50 million will be made available to private and publicly-funded childcare centers and family childcare homes to reimburse them for costs associated with maintaining health and safety during the COVID-19 crisis, including the purchase of gloves, face coverings, cleaning supplies, and other expenses related to cleaning facilities, pursuant to public health guidelines.

On March 19, 2020, April 4, 2020, and April 7, 2020, respectively, the Governor issued Executive Orders (EO) N-33-20, EO N-45-20, and EO N-47-20, which impacted private and state-supported child care during the State of Emergency:

- Require that all California residents stay at home unless they are considered “Essential Critical Infrastructure Workers” (essential workers).
- Define “essential workers,” which can be found at:  
<https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>.
- Sustain childcare subsidies for currently enrolled families.
- Provide that the eligibility requirements for children with parents who are essential workers, as defined above, and children with disabilities and special health care needs whose Individual Education Plans or Individual Family Support Plans include early childhood education services, are waived for non-CalWORKs federal and state subsidized ELC services. This action applies to the following programs: Alternative Payment Program (CAPP), California State Preschool Program (CSPP), General Child Care (CCTR), and Family Child Care Home Education Networks (CFCC).
- Waive enrollment priorities in Education Code Section 8263(b)(2) and (3), other than prioritizing income-eligible families over families that are not income eligible; and any accompanying regulations, with respect to non-CalWORKs early learning and care services provided to children of essential critical infrastructure workers and children with disabilities or special health care needs whose individualized education programs and individual family support plans include early childhood education services.
- Waive requirements to allow children enrolling in emergency care as a child at risk of abuse, neglect or exploitation to enroll without the need for a written referral from a legal, medical or social services agency.
- Require the CDE and the California Department of Social Services (CDSS) to jointly develop guidance on the order of prioritization for services, which shall include, but not be limited to, provisions intended to ensure that neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, retain first priority for services as specified in EC Section 8263(b)(1).

The CDE and DSS have released numerous guidance documents to the private (licensed) and state-funded field regarding pandemic-response standards, including new public health parameters including group size, and details on emergency voucher and “pop-up” care services:  
<https://www.cde.ca.gov/sp/cd/re/elcdcovid19.asp>

The Administration and DSS have been working with the private sector on employer-sponsored, temporary “pop-up” child care centers, to address the child care surge needs of over 100 medical facilities.

The Executive Order also waived certain statutory and regulatory provision relating to the After School Education and Safety Program (ASES), in order to allow these programs to serve school-age children of essential workers during the school day. The California Department of Education released further guidance, including the following:

- ASES grant funds may be used to provide care to school-age children of essential workers through June 3, 2020, including during the hours school is normally in session;
- Care may be provided at a designated ASES site, regardless of where the children normally attend school; and
- These provisions do not apply to the other before and after school programs: 21st Century Community Learning Centers and the 21st Century High School After School Safety and Enrichment For Teens Program (ASSETs).

There is no data at this time regarding LEAs planning to utilize this ASES flexibility for closure period or summer school programming.

#### STAFF COMMENTS

According to child care field surveys, at least 75% of California’s already overly-subscribed child care system is serving families in essential work classifications, and prior to school closures, waiting lists for eligible families for both voucher- and center-based programs contained more than 400,000 children, statewide.

Most licensed child care centers surveyed indicated an interest in reopening to serve existing and new essential workforce families. Most surveyed family child care homes had already resumed or planned to resume services for existing or new families.

Anecdotally, providers across the state are reporting very low attendance rates, as parents may be choosing to keep their children home during the shelter in place, and may also fear COVID-19 infection.

Despite child care’s inclusion in Executive Order N-20-26, very few LEAs are providing child care for essential workforce parents impacted by school closures and before- and after-school program closures.

Approximately 60% of the California State Preschool Program is contracted through LEAs: these programs are more likely to report a plan to remain closed through the remainder of the school closure period, and through the summer. Many of these preschool sites are co-located on closed school campuses, complicating their ability to open. Further, the federal Head Start office has closed all Head Start programs nationally. Many CSPP programs are co-funded with Head Start.

**Suggested Questions:**

- Does the state have estimates for low-income, essential workers in need of child care subsidies during this immediate surge and shelter-in-place period? Any estimates on how much of this demand is for child care during normal school hours? During nights and weekends?
- Does the state have estimates on what child care demand may look like in the coming months, once short-term emergency care is exhausted, and/or shelter-in-place restrictions begin to adjust?
- What are current and further necessary policies to ensure child care provider solvency during this surge period? During the recovery period?
- Have the state-promoted pop-ups shown promise for longer-term public/private child care partnership models?