**California Department of Education**

# Report to the California State Legislature and the Department of Finance: Assembly Bill 130, Section 161: Learning Recovery Funds Apportionment



**Prepared by**

**Special Education Division**

**Opportunities for All Branch**

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*Description:* Report detailing the impact of the $450 million apportionment distributed to Special Education Local Plan Areas (SELPAs) in October 2021 for purposes of remediating learning loss for students with disabilities stemming from the 2019 Novel Coronavirus (COVID-19) pandemic.

*Authority:* Assembly Bill 130 (Ch. 44, Stats. 2021), Section 161

*Recipient:* California State Legislature and Department of Finance

*Due Date:* December 1, 2023

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## Executive Summary

This report is required by Assembly Bill (AB) 130 (Chapter 44, Statutes of 2021), Section 161.

In 2021–22, Section 161 of AB 130 appropriated $450 million from the General Fund to the State Superintendent of Public Instruction on a one-time basis for allocation to Special Education Local Plan Areas (SELPAs) to provide learning recovery support to students with disabilities impacted by school disruptions stemming from the 2019 Novel Coronavirus (COVID-19) public health emergency during the period of March 13, 2020, to September 1, 2021. The California Department of Education (CDE) allocated the funds directly to SELPAs on or before August 31, 2021, using the formula outlined in AB 130, Section 161(b)1–4.

On or before October 1, 2021, SELPAs were required to work with member local educational agencies (LEAs) to develop and submit a plan to the State Superintendent of Public Instruction detailing how the SELPA and its member LEAs would implement the requirements associated with this funding. The plan was required to include detailed expenditure information delineated by eligible activity; the number, disabilities, and demographics of pupils to be served; and evidence of matching funds as required by the legislation. Funds were to be encumbered by June 30, 2023. SELPAs submitted final reports to the CDE on September 30, 2023.

This report provides a summary of information and data that SELPAs submitted to the CDE detailing how AB 130 Section 161 funds were used to provide learning recovery support to students with disabilities impacted by the COVID-19 pandemic for the period of March 13, 2020, to September 1, 2021. Data showed that 757,409 students with disabilities were served using the learning recovery funds allocated in AB 130. Ninety-eight percent of apportioned funds were expended in the provision of these services.

You will find this report on the CDE Special Education Laws, Regulations, and Policies web page at <https://www.cde.ca.gov/sp/se/lr/>. To request a copy of this report, please contact Andrea Gallagher, Education Programs Consultant, Special Education Division at 916-327-3684 or [AGallagher@cde.ca.gov](mailto:AGallagher@cde.ca.gov).

If you have any questions regarding this report, please contact Barbara Gaskin Wintle, Education Administrator, Special Education Division, at 916-327-0865 or [BGaskin@cde.ca.gov](mailto:BGaskin@cde.ca.gov).

## Introduction

Section 161 of AB 130 (Chapter 44, Statutes of 2021) appropriated $450 million from the General Fund to the State Superintendent of Public Instruction on a one-time basis for allocation to SELPAs to provide learning recovery support to students with disabilities impacted by school disruptions stemming from the 2019 Novel Coronavirus (COVID-19) public health emergency during the period of March 13, 2020, to September 1, 2021. The CDE allocated the funds directly to SELPAs on or before August 31, 2021, using the formula set forth in AB 130 Section 161(b)1–4.

## Learning Recovery

### Learning Recovery Description

SELPAs and LEAs applied the term “learning recovery” broadly when determining allowable costs to address impacts on learning due to COVID-19-related school disruptions from March 13, 2020, to September 1, 2021. The funds were not to be used to supplant existing expenditures or obligations of the LEA but to supplement existing staff and services to provide learning recovery support. SELPAs and LEAs were encouraged to leverage funds in innovative and strategic ways to directly respond to the needs of individual students.

### Requirements for Special Education Local Plan Areas

On or before October 1, 2021, SELPAs worked with member LEAs to develop and submit a learning recovery plan (LRP) to the CDE documenting how the SELPA and its member LEAs would implement the requirements associated with this funding. The LRP specified how the SELPA and member LEAs intended to use the funds, with enough detail for the CDE to understand how funds would be used to support learning recovery. In cases where specific needs unique to an LEA were identified, the SELPA prepared and submitted a separate LRP to reflect these activities of the LEA.

SELPAs submitted final reports to the CDE on or before September 30, 2023. These final reports described how SELPAs and LEAs spent the funding and listed areas impacted and addressed as outlined in the LRP. Also included were the demographics of pupils served, disability categories, family income, English Language Learner (ELL) classification, and the parent’s primary language.

Pursuant to the language of AB 130, SELPAs were instructed that any unspent funds from this apportionment must be returned to the CDE.

### Creation of the Learning Recovery Plans

The CDE Special Education Division recognized that determining learning recovery needs for students with disabilities was an individualized process that varies among SELPAs and LEAs. The CDE encouraged SELPAs to work with LEAs to conduct a data analysis to identify students with disabilities most impacted by school disruptions from the COVID-19 pandemic and target their resources to meet the particular needs of these students.

Examples of data useful in determining the needs of the LEA include:

* Local and statewide assessment data
* Benchmark achievement data
* Behavior data
* Student engagement data
* Classroom observation data
* Individualized Education Program (IEP) assessment and annual progress data
* English Language Proficiency Assessments for California data
* Parent survey data

Based on a thorough data analysis, SELPAs and member LEAs identified the impacted areas and target populations for learning recovery services. A description of the students to be served, their disability categories, and grade level(s) also accompanied a detailed account of services to be provided. SELPAs then developed a proposed budget to support learning recovery services and activities as prioritized in their LRP and following the guidelines outlined in AB 130 Section 161c/d/e(1)(2)(3)(4).

### Learning Recovery Plans—Impacted Areas

To assist SELPAs in their efforts to identify appropriate learning recovery services, the LRP template provided by CDE included a list of potentially impacted areas of learning as defined by the CDE. The SELPAs used the LRP template to describe in more detail the specific services, resources, and supports they would provide to address any of the selected impacted areas. These impacted areas, as titled on the LRP template, are as follows:

**Behavior Needs of Students:** Services, resources, and supports includedpositive behavior supports (e.g., research-based practices, assessments, interventions, or systems-change strategies) to address behaviors that may impede a student’s academic success or access to the educational environment. These supports specifically focus on the emotional and behavioral learning of students with a goal of increasing student engagement and decreasing problematic student behavior over time.

**Assessing Learning and Academic Needs of Students:** Services, resources, and supports includedintentional work to utilize quantitative and qualitative data to determine the current academic and social–emotional needs of each student.

**Social–Emotional Needs:** Services, resources, and supports included work that prioritized the mental health and wellness of students who experienced higher levels of stress due to the COVID-19 pandemic and its impact on their daily lives (i.e., anxiety, financial stress, loss of focus, withdrawal from the school community, etc.).

**High-Quality Instruction:** Services, resources, and supports included the use and application of standards- and evidence-based, engaging, differentiated, culturally responsive, and data-driven curricula; teaching practices; and learning environments.

**Supporting Student Return to In-Person Instruction:** Services, resources, and supports included the procurement of materials, equipment, or supplies necessary for students to safely return to classrooms and limit further school disruptions.

**Child Find:** Services, resources, and supports included assessments or activities for children in the LEA suspected of being children with a disability and in need of special education who were not identified, located, or assessed due to school disruptions caused by the COVID-19 pandemic.

**Assessing Students Waiting for Initial IEPs**: Services, resources, and supports included completing initial assessments (required before convening an initial IEP) delayed as a result of school disruptions caused by the COVID-19 pandemic. These funds were not to be used for current obligations.

**Completing Overdue IEPs:** Services, resources, and supports included completing initial and annual IEPs overdue as a result of school disruptions caused by the COVID-19 pandemic. These funds were not to be used for current obligations.

**Other/Additional Support and Services Needed to Address Identified Learning Needs**: Services, resources, and supports included areas not listed above but determined to have impacted students’ learning and for which the LEA, in conjunction with its SELPA, identified a need.

## Special Education Local Plan Area Data Results

As required by AB 130 (Ch. 44, Stats. 2021), the SELPAs reported to the CDE data on all students with disabilities who received Learning Recovery Support-funded services. Data included disability categories, ELL status, socioeconomic status, and parents’ primary language. All SELPAs provided the required information; however, some SELPAs may have under- or over-reported demographic data due to fluctuations in students who received services during the two-year LRP implementation. The data showed that 757,409 students with disabilities were served using the learning recovery funds allocated in AB 130. Ninety-eight percent of apportioned funds were expended in the provision of these services.

The SELPAs reported on impacted areas selected and served by their LRP and final expenditures. The CDE consultants reviewed the SELPA reports for accuracy, including the determination of unspent balances to be returned to the CDE.

### Students with Disabilities Served by Assembly Bill 130 Section 161-Funded Services

| **Disability Category** | **Number of Students** |
| --- | --- |
| Intellectual Disability | 36,054 |
| Hard of Hearing | 8,370 |
| Deafness | 2,069 |
| Language Impairment | 162,270 |
| Visual Impairment | 2,184 |
| Emotional Disturbance | 23,564 |
| Orthopedic Impairment | 10,942 |
| Other Health Impairment | 107,001 |
| Specific Learning Disability | 260,954 |
| Deaf/Blindness | 239 |
| Multiple Disability | 9,118 |
| Autism | 133,556 |
| Traumatic Brain Injury | 1,088 |
| **Total number of students served:** | **757,409** |

### English Language Learner Student Classification

| **English Language Category** | **Number of Students** |
| --- | --- |
| English Language Learner | 177,803 |
| English Language Learner Reclassified | 49,195 |

### Socioeconomic Status

| **Family Income** | **Number of Students** |
| --- | --- |
| Free and Reduced Lunch | 436,376 |
| Foster | 10,096 |
| Homeless | 11,434 |
| Other | 2,693 |

### Family Primary Language

| **Primary Language** | **Number of Families** |
| --- | --- |
| English | 369,370 |
| Spanish | 166,950 |
| Chinese | 3,330 |
| Tagalog | 1,562 |
| Vietnamese | 5,514 |
| Other | 313 |

### Impacted Areas for Student Learning

| **Impacted Area** | **Number of SELPAs Providing Services under This Impacted Area** |
| --- | --- |
| Additional Support and Services Needed to Address Identified Learning Needs | 126 |
| Positive Behavior Supports | 119 |
| Assessing Learning and Academic Needs of Students | 131 |
| Social–Emotional Needs | 128 |
| High Quality Instruction | 122 |
| Supporting Students’ Return to In-Person Instruction | 120 |
| Child Find | 100 |
| Assessing Students Who Are Waiting for Initial IEPs | 112 |
| Complete Overdue IEPs | 107 |
| Other Impacted Areas | 42 |

### Apportionment Totals

| **Number of SELPAs Reporting** | **Total Grant Award** | **Total Grant Award Spent** | **Total Grant Award to be Returned to the CDE (Unspent)** |
| --- | --- | --- | --- |
| 136 | $450,000,000.00 | $438,999,632.86 | $11,000,367.14 |

### Budget Line Item Totals

| **Budget Line Items** | **Amount** |
| --- | --- |
| 1000—Certificated Salaries | $101,541,445.56 |
| 2000—Classified Salaries | $39,491,464.57 |
| 3000—Employee Benefits | $49,392,036.87 |
| 4000—Materials and Supplies | $38,495,077.90 |
| 5000—Services and other Operating Expenses | $192,446,635.01 |
| 6000—Capital Outlay | $2,946,184.47 |
| 7300—Indirect Costs (CDE approved rate) | $14,686,788.48 |
| **Total** | $438,999,632.86 |

## Conclusion

The AB 130 (Ch. 44, Stats. 2021), Section 161 Learning Recovery Support apportionment funds were utilized by SELPAs with no major opposition to the funding. SELPAs collaborated with their member LEAs to create LRPs that addressed the learning loss of students with disabilities due to COVID-19. These funds were to ensure that the learning recovery needs of students with disabilities were addressed while also supporting family engagement in their child’s education.