In early January, the U.S. Department of Education (ED) approved the final set of state applications for funds under the American Rescue Plan (ARP). This means that every state has received its final tranche of funding and it is now up to states to execute their plans. **We believe there is an important leadership role for states to play in ensuring that funding is directed efficiently, effectively, and equitably.**

Our analysis\(^1\) is based on guidance co-released by Education Reform Now and nine other education and civil rights organizations and focuses on key sections of the application that have important implications for educational equity:

---

1. This analysis is based on our reading of long, complex state plans which may or may not fully capture how states are using or planning to use ARP funds. In many cases, we made subjective calls about whether states met our specific analytic criteria. Given that these are living documents and that others may interpret state plans differently, we welcome—and in fact are encouraging it through our recommendations—continued discussions about how states are using ARP funds to equitably address the needs of students.
● using data to understand the impact of the pandemic, especially for students from historically disadvantaged groups,
● stakeholder and community engagement,
● investing in evidence-based academic interventions,
● supporting LEAs in the creation and implementation of local plans,
● distributing funds equitably among and within LEAs, and
● publicly reporting uses of funds.

<table>
<thead>
<tr>
<th>Overall Equity Rating:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commitment to Data and Transparency</td>
</tr>
</tbody>
</table>

New York’s plan is strong on the use of statewide data to inform state and local learning strategies, stakeholder engagement, and providing supports and guidance for LEA recovery efforts. The plan has room for improvement or requires more clarity, however, on advancing robust statewide programs, prioritizing equity, providing a strong framework for LEA plans, and monitoring and oversight of LEA plans.
PLAN HIGHLIGHTS

➔ Using Data to Understand the Impact of the Pandemic

◆ New York State Education Department (NYSED) made small but important changes to its state data collection processes in order to gain a better understanding of the impact of the pandemic on student attendance.

◆ NYSED is working with Comprehensive Support and Improvement (CSI) and Targeted Support and Improvement (TSI) schools around supporting data collection and analysis, and has provided local education agencies (LEAs) guidance about local assessments, graduation data, and attendance data.

➔ State Education Agencies (SEAs) Stakeholder Engagement

◆ NYSED used multiple outlets for stakeholder engagement throughout the pandemic that helped inform its ARP plan, including regional taskforce meetings and a digital equity summit, in addition to the ThoughtExchange platform created for broader public feedback.

➔ State Support of LEAs

◆ In addition to tracking outcomes, NYSED plans to surface best practices and help facilitate communication and cooperation among LEAs.

◆ NYSED plans to develop equity focused social-emotional learning (SEL) guidance and is providing LEAs with technical assistance around implementing Culturally Responsive-Sustaining Education principles.

◆ NYSED is providing multiple supports for LEAs around reengaging students, with a focus on students experiencing homelessness.
AREAS OF CONCERN

⚠️ SEA Stakeholder Engagement
◆ Though NYSED had seemingly robust stakeholder engagement, there’s no evidence that it engaged civil rights organizations, a key stakeholder group.

⚠️ Abdication of State Role
◆ While NYSED says that each LEA application will receive a compliance review, other than requiring LEAs to utilize its multi-tiered system of supports (MTSS) framework, NYSED’s district plan requirements don’t extend beyond the minimum federal requirements, suggesting a lack of commitment to ensuring strong LEA plans.
◆ In addition to having weak district plan requirements, given the state’s large number of districts and a lack of clarity around the LEA plan review process, we’re concerned that NYSED doesn’t have the internal capacity or political will to ensure district plans are high-quality, equitable, and implemented with fidelity.
◆ These issues are particularly problematic since nearly all of NY’s state set-aside funds will be allocated to LEAs via subgrants, limiting the state’s ability to develop comprehensive statewide programs to address pandemic impacts on students.

⚠️ Fiscal Equity
◆ NY’s weak district plan requirements extend to fiscal equity, with no specific requirements around the distribution of funds within LEAs, and its letter to LEAs doesn’t include the word "equity" or any of its variants anywhere.

---

KEY INVESTMENTS

Most of NYSED’s set-aside will be allocated to LEAs through sub-grants, but NY does have some statewide investments, including:
Social-emotional learning/mental health-specific LEA subgrants, and the development of comprehensive SEL guidance and support documents.

Grants to build new and expand existing PreK-4 programs.

Facilities funding for NYC area charter schools to help facilitate the return to in person learning and address increased enrollment.

RECOMMENDATIONS FOR STATE ADVOCATES AND POLICYMAKERS

#1 Work with state department of education officials to make revisions to their ARP state plans. While the state’s plan is already approved by ED, the plan is intended to be—and given the limited information it contains, must be—a living document. Advocates should offer recommended changes to the plan based on the best practices and evidence-based interventions, such as those suggested here, as well as potential additional supports for district leaders who are shouldering much of the responsibility for planning and implementation of ARP funded programs.

#2 Advocate for changes to aspects of state plans that undermine educational equity, while highlighting exemplars. We encourage advocates to voice their concerns for these aspects of the state plan—both through direct communication with state officials and via the media to increase pressure to center equity in the state’s investment and support strategy. Advocates should also put pressure on state officials to carefully review district plans and hold LEAs accountable for faithfully implementing evidence-based interventions—a process that isn’t detailed in the state’s plan.

#3 Engage community networks to influence the continued development and implementation of local ARP plans. Though our review only covers state plans, every LEA receiving ARP funds were also required to create their own plan for spending the latest round of federal relief funds. Given that school districts have wide discretion to spend at least 90% of...
ARP funds, advocates who effectively engage and mobilize community members and organizations in support of evidence-based interventions for students could have an outsized influence on which policies and programs ultimately get enacted and provide services for students. While district plans have already been submitted to NYSED, like state plans, these plans are living documents and many investment decisions have yet to be made or finalized.

#4 Pursue increased transparency and stakeholder engagement around state and local spending plans and resulting outcomes. The public, advocates, and policymakers cannot push for needed changes to state and district ARP plans and interventions if data on plans, implementation, and outcomes are not regularly publicly reported. Therefore, as a part of all advocacy efforts, stakeholders should continually push for additional transparency around both plans and processes for enacting those plans, including increased opportunities for stakeholder engagement and better promotion of these opportunities.

#5 Encourage continued and improved data collection, reporting, and data-driven decision making. The state has made a commitment to use academic and opportunity-to-learn data to inform policy, but advocates must ensure there is a coherent, systemic plan to use data statewide in service of educational equity. Improvement in state data systems could contribute to better decision making both in the short and (post-pandemic) long term.