

JOINT STATEMENT OF EDUCATION AND CIVIL RIGHTS ORGANIZATIONS CONCERNING EQUITABLE EDUCATION DURING THE COVID-19 PANDEMIC SCHOOL CLOSURES AND BEYOND

APRIL 29, 2020

UPDATED WITH ADDITIONAL SIGNERS AS OF MAY 7, 2020

The undersigned organizations representing teachers, parents, and education and civil rights advocates understandably, as the COVID-19 pandemic extended to the United States, state, tribal, and local governments closed school buildings to prevent the spread of the virus. School closures have impacted 55 million K-12 students nationwide. Although school buildings are closed, education and support services continue. *See* *DV³ LW LV GRXEWIXO WKD UHDVRQDEO\ EH H[SHFWHG WR VXFFHHG LQ OLIBrowh KH LV C v. Board of Education*, 347 U.S. 483, 493 (1954).

Unsurprisingly, the transition to educating students in their homes or shelters exposed and exacerbated inequities in education, food security, and housing that have long existed. With limited federal leadership

methods including use of technology Support should be made available with accommodations for family members who are limited English proficient or have a disability.

fits-all date when all schools and services will reopen. LEAs should provide multiple means and resources to provide students an opportunity to engage in enrichment activities and make up what they missed.

- x States and the Bureau of Indian Education should consider using additional funding provided by the federal CARES Act to compensate teachers for providing summer instruction.
- x LEAs and schools should endeavor to develop and provide to students a curriculum for physical and relaxation exercises that can be safely conducted when at home as well as social emotional learning
- x LEAs and schools should ensure technology is accessible to students and parents with disabilities, as well as English learners, including assistive technology where appropriate

II. School meals

For many public and tribal school students, school meals are their only consistent source of nutrition each school day. School districts and the federal government have taken steps to remove barriers to access to meals during COVID-19 school closures. For example, the [U.S. Department of Agriculture](#) has waived the requirement that schools serve students meals directly and instead allow parents and guardians to pick up school meals during school closures. Additionally, the [U.S. Department of Homeland Security](#) has advised states to consider as essential workers those individuals who serve school meals. Therefore, LEAs may deliver meals to students during stay at home orders. Individual LEAs have taken steps to ensure its students continue to receive school meals

- x [Midfield City Schools Alabama](#) and [Duval County Florida School District](#) provide VFKRRO PHDOV DW 3*UDE DQG *R' PHDO GLVWULEXWL stops.
- x [NYC DOE](#) is providing three free meals per day for anyone who wants them, children, and adults alike, with no ID required at over 400 meal hubs across the city.
- x [Brandywine School District, Delaware](#) provides meals at various school sites and delivers meals via school bus to four community hubs in the community. To improve access, the district also provides families with the ability to [track the bus routes and schedule for meal delivery](#).
- x [Laurens County School District](#) in Dublin, Georgia is providing seven meals for all children under the age of 18, regardless of whether they are enrolled in a district school, on Mondays and Wednesdays at twelve sites.

Unfortunately, some school districts have ended school meal programs because workers have tested positive for the COVID-19 virus. While temporary suspension of meal programs is to be expected under these circumstances, we urge schools to take steps to continue meal programs, such as providing personal protective equipment and plexiglass shields to workers who

remote occupational, physical and speech therapies. Clinical Counselors provide virtual therapy and behavior technicians will host virtual social skills groups and individualized virtual meetings with parents/student. Family Service Case Managers will conduct D Z H H N O \ 3 F K H F N L Q ' Z L W K I D P L O L H V W R S U R Y L G H school nurses will check in with students with health care needs

- x The [Ohio Department of Education](#) is working to ensure students with disabilities receive educational services consistent with their Individualized Education Programs. Recognizing the challenges this may present, the Department has advised school districts to consider three questions in the delivery of special education services: 1. Can the activity be done virtually? 2. If there is no other choice, then can the activity be done safely? Consulting local health departments is advisable and encouraged.
- x The [Manchester, NH School District](#) set up a [link](#) to access information regarding remote instruction. There is a letter to parents (available in audio in multiple languages), information about food delivery lessons and materials for elementary school. It appears Manchester is rolling out lesson plans by grade level, starting with elementary school. The letter to parents indicates that the district intends to provide services in students' IEPs and 504 plans, including possibly bringing small cohorts of students into the schools. Teachers

- x LEAs and schools should provide educators the tools and professional development to scaffold their teaching and ensure that their lessons are designed in accordance with the principles of Universal Design for Learning (UDL), offering multiple ways for students to engage. School districts should also provide opportunities to increase collaboration and

- x The [Community Partnership Charter School, NY](#) purchased prepaid phones for their students in transitional housing and found that they are working well for access to digital instruction.
- x The nonprofit [Win](#) distributed 10,000 books

V. Providing instruction to English learners and combatting racial, ethnic, and national origin discrimination

Titles IV and VI of the Civil Rights Act of 1964 prohibit racial discrimination by public and tribal schools and federally funded programs, including programs that have a discriminatory effect. Because students of color are more likely to have no internet access or transportation, it is crucial for school districts to be aware of and comply with these civil rights laws. Also, the Equal Educational Opportunities Act of 1974 requires equal educational opportunities for students regardless of race, color, national origin, sex, and English proficiency. During COVID-19 school closures, these federal laws remain in effect, and federal, state, and local educational agencies are taking steps to comply with these laws. For example,

- x [Dearborn, MI Public Schools](#) have reached out to English Learners and their families through distribution of Chromebooks, photocopying of books and other materials that students will need (in English and their home language), in addition to meal distribution. Teachers call families and make sure they have what they need. If they do not, teachers communicate with the English as a Second Language (ESL) Office within WKH VFKRRO GLVWULFW WR P. Teachers have a good system for reaching students via online learning and through phone consultations.
- x The U.S. Department of Education [released a letter](#) to education leaders reminding them of their obligation under federal civil rights laws to investigate instances of national origin discrimination, including bullying and harassment against students perceived to be Chinese American or of Asian descent. For more information about how to combat discrimination related to COVID-19, please consider [these materials](#)

Recommendations for Providing Instruction to English Learners and Combatting Racial, Ethnic, and National Origin Discrimination

- x LEAs should support **EL** teachers and others in reaching out directly to families of English learner students to identify and remove barriers to participation in remote instruction and identify ways for English language instruction to continue.
- x LEAs and schools should continue to show leadership in fostering communities of respect and tolerance by ensuring that Asian American students and others are not subject to bullying and harassment related to fears or misinformation about COVID-19 virus.
- x LEAs and schools under [school desegregation orders](#) must comply with these orders during the COVID-19 pandemic and ensure that students have equal access to educational opportunities regardless of race.
- x Nationally, students who experience exclusionary disciplinary actions are [disproportionately](#) students of color. LEAs and schools should take steps to ensure that students who were excluded from school through disciplinary actions prior to the COVID-19 school closures have access to instruction during the pandemic. In fact, school suspensions and expulsions should expire the day schools closed due to the COVID-19 pandemic.

- x State governors, state and local educational agencies, and schools should fund through the CARES Act to provide greater access to school counseling and other social and emotional supports at allowable expenditures. With the disproportionately higher rate of COVID-19 deaths within the Black community, there should be careful consideration of how this will impact student health and student performance and schools should leverage federal funds and other resources to provide short-term support for students, and especially for Black children. For example, Peekskill City Schools, New York have a team of school social workers, counselors, and psychologists who deal with social and emotional learning issues families face. The schools make referrals for additional services if necessary and provide access to social and emotional learning resources to families in English and Spanish.

Conclusion

We appreciate the efforts of state and local educational agencies, including the teachers and staff, that are working hard every day to provide students with educational instruction and support. COVID-19 school closures present challenges to providing these services, but we cannot be allowed to prevent the equitable distribution of educational opportunities and resources to the underserved. We urge state and local educational agencies to adopt the promising practices and suggestions in this statement and to generate best practices that respond to the needs of their respective communities and meet their obligations under the law.

Signed,

American Federation of Teachers

NAACP Legal Defense and Educational Fund, Inc.

The Leadership Conference on Civil and Human Rights

Advancement Project

Alliance for Excellent Education

Alliance to Reclaim Our Schools

American Association of University Women

Autistic Self Advocacy Network

Archer Adroit, LLC

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CoSN - the Consortium for School Networking

Council of Parent Attorneys and Advocates

Dignity in Schools Campaign

Education Law Center

Education Law Center PA

Equal Justice Society

Equal Rights Advocates

Family Equality

Food Research & Action Center

Gwinnett Parent Coalition to Dismantle the School to Prison Pipeline

Intercultural Development Research Association

Legal Aid at Work

OCA-Asian Pacific American Advocates
Our Children Oregon
Poverty & Race Research Action Council
SchoolHouse Connection
Schott Foundation for Public Education
Shooting Star Consulting
Southeast Asia Resource Action Center
Southern Education Foundation
Southern Poverty Law Center
The Arc of the United States
The Education Trust
Voices for Children of San Antonio
Voices for Utah Children
West Central Initiative
Wyoming Kids First