

**EDUCATION
LAW CENTER**

EDUCATION DURING COVID-19 FOR IMMIGRANT COMMUNITIES

HOSTED BY PENNSYLVANIA IMMIGRATION AND CITIZENSHIP COALITION

APRIL 29, 2020

AGENDA

1. Introduction to ELC's work
2. School policies and COVID-related updates
 - ❖ Enrollment
 - ❖ ESL
 - ❖ Special education
 - ❖ Attendance
 - ❖ Grading & Graduation
3. Additional COVID-19 Information to Know
4. ELC Listening Opportunity: What are the school issues or concerns for ELs and LEP families? What are some positive practices that you can share?

WHO WE ARE

Education Law Center-PA (“ELC”) is a non-profit, legal advocacy organization dedicated to ensuring access to a quality public education for all children in Pennsylvania.

Through legal representation, impact litigation, policy advocacy, and community engagement, ELC advances the rights of underserved children, including children living in poverty, children of color, children with disabilities, English language learners, children in the foster care and juvenile justice systems, LGBTQ youth, and children experiencing homelessness.

Our priority areas include:

- Equal Access to Quality Schools
- Adequate & Equitable School Funding
- Dismantling the School-to-Prison Pipeline

WHAT WE DO

❖ Helplines

- Philadelphia: 215-238-6970
- Pittsburgh: 412-258-2120

❖ Legal Advice or Representation

- Disability & Special Education Rights - IEP, 504, Early Intervention
- English Learners & Immigrant Students
- Highly Mobile Students: Foster Care, Juvenile Justice Systems; Experiencing Homelessness
- Enrollment
- School Discipline: Suspension, AEDY Transfer, Expulsion

❖ Policy Advocacy: Local, State, and Federal

❖ “Know Your Rights” Trainings to Families & Providers

IMPORTANT CONSIDERATIONS

- This presentation was shared on April 29, 2020. Some information may change after that date.
- This presentation provides a general statement of the law and current federal and state guidance. However, each situation is different. To discuss how the law applies to a particular situation, please contact ELC's Helpline number for advice or contact an attorney of your choice.

WHEN TO CONTACT ELC

- ❖ Advice to support students and parents
- ❖ Referrals for legal representation
- ❖ Trainings
- ❖ Some translated factsheets available in:
 - Spanish
 - Arabic
 - Chinese
 - Nepali
- ❖ Website resources:
 - [Back to School Guide](#): factsheets, advocacy guides
 - [COVID-19 Resources: 5 Things to Know for ELs](#)

EL AND LEP RIGHTS



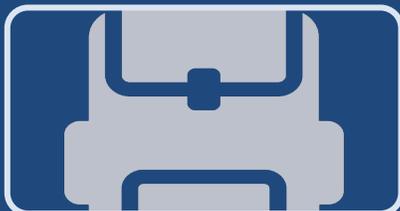
Same rights as other students and families to access public school education



Schools must share information with LEP parents in a language they can understand



Schools are required to teach students who do not know English how to read, write, speak, and understand English



Programmatic rights to:

- Extracurricular, gifted, and CTE programs
- Special education

ENROLLMENT



Who can enroll a child: parent, foster parent, case worker, caregiver



Right to interpretation & translation



Home language survey



Once documents are provided, child should be enrolled next day or within 5 business days



Older students have the right to attend school until age 21 or graduate



Discuss child's needs: special education, ESOL, credits for graduation

ENROLLMENT FOR LEP PARENTS

Documents required:

1. Proof of child's age
2. Proof of immunizations
3. Proof of residency
4. Parent registration statement

COVID-19:

- Schools are required to enroll new students within 5 business days of receiving all enrollment documents
- Schools must provide the necessary information and resources for students and families to participate in continuity of education
- Schools should be flexible - difficult to obtain and send originals
- Schools should provide education as soon as possible

MCKINNEY-VENTO ELIGIBLE STUDENTS

Youth Experiencing Homelessness

- Lacking consistent, adequate, fixed nighttime residence
- Unaccompanied youth: not in the physical custody of parents
- Eligibility: preschool-age to 21 years-old

- School stability: youth have legal right to stay in current school or prior school attended until end of SY with stable housing
- Or, immediate enrollment: new school where youth currently staying enrolls without usual documents
- McKinney-Vento Liaison
- Additional protections and benefits

COVID-19:

Students and families experiencing homelessness should connect with the Liaison to request support and access continuity of education

TRANSLATION & INTERPRETATION



Schools must share information with LEP parents in a language they can understand



Schools must provide free interpretation (oral) or translation (written) services by a trained translator



Entitled to language services at any/all interaction with school



Districts must communicate with LEP parents on how they can be involved in their child's education

ENGLISH LANGUAGE INSTRUCTION

- Schools are required to teach students who do not know English how to read, write, speak, and understand English
- Language instruction must be delivered by a licensed ESL teacher
- Core-subject teachers (Non-ESL teachers) must use language instruction techniques and accommodations to ensure ELLs can learn concepts
- **Specific program not required, but the program used must be sound in theory and effective in practice**
- An EL may not be retained in a grade based solely on the student's lack of English proficiency

ENGLISH LANGUAGE INSTRUCTION DURING COVID-19

- Continuity of Education - Planned Instruction and/or Enrichment and Review
- ESL teachers should be providing English language instruction
- ESL teachers should be assigned to content classes to provide language support and collaborate with content teachers to modify instruction and assignments for ELs ("accommodations" for ELs that are "reasonable and appropriate based on student need and current circumstances")
- Ensure teachers and staff are available to connect with ELs and LEP parents
- Provide assistance with technology to support online learning

IEP AND 504 PLAN

- Every child with a disability has the right to a free appropriate public education (FAPE)
- ELs should be evaluated in their native language
- Individualized Education Program (IEP): if a child has a disability that makes it hard for them to learn and the child needs special education services and supports as a result of the disability
- IEP Team
 - Includes educators and the parent/guardian
 - Meets at least once each year to review and revise plan
- 504 Accommodation Plan: if child has a physical or mental impairment that substantially limits a major life function

LANGUAGE ACCESS FOR SPECIAL EDUCATION

Qualified interpreters at meetings

- proficient in both languages
- know special education terminology
- remain in their roles during the meetings
- fully interpret the meetings and the parents' comments and questions

Fully translated documents

- Permission to Evaluate (PTE) or Permission to Re-evaluate (PTRE)
- Notice of Recommended Educational Placement (NOREP)
- Evaluation Reports
- IEPs

SPECIAL EDUCATION DURING COVID-19

- Schools must provide a free appropriate public education (FAPE) that is reasonable and appropriate based on student need and current circumstances
- Evaluations
 - Face-to-face evaluations delayed until school reopens
 - Evals that do not require in person observations may take place if parent/guardian consents
- IEP Team Meetings
 - Annual meetings should be held
 - May be held virtually or by phone
 - Usual advance notice to parents and qualified interpreter

SPECIAL EDUCATION DURING COVID-19

- Schools must make every effort to ensure students receive services identified in their IEP to the greatest extent possible
- Public health considerations
- Have the right to an IEP/504 Team meeting to decide how services will be provided
- Schools should issue Prior Written Notice/Notice of Recommended Educational Placement (PWN/NOREP) that describes the new learning plan (type, duration, frequency)
 - Should be temporary - will revert
 - Should not waive FAPE
- When schools reopen, IEP/504 Team to determine whether compensatory education is needed

ATTENDANCE DURING COVID-19

- The PA Department of Education (PDE) will require schools to report attendance through March 13, 2020 to the state.
- Schools should create local expectations for student learning and take attendance for local records.
- Schools should establish a process to track students learning and to ensure that all students are participating in continuity of education programs.

GRADING AND GRADUATION DURING COVID-19

- Schools are responsible for determining how to change their grading policies.
- Schools should make sure that students are not unjustly restricted from completing graduation requirements due to COVID-19 closures.
 - Seniors expected to graduate prior to schools being closed should graduate.
- Schools should give students the opportunity to demonstrate learning and earn credit for a course they were failing as of March 13, 2020.
- Students expected to move onto the next grade during the 2020-21 school year based on grades as of March 13, 2020, should be able to do so.

OTHER COVID-19 INFORMATION TO KNOW

Information from Schools

- Access to translation and interpretation
- Access to meals
- Access to remote learning

Additional Concerns

- Language instruction and accommodations for remote learning
- Parent outreach, engagement, and support from teachers and staff
- Overcoming the digital divide and digital literacy for virtual instruction



DISCUSSION

CONTACT INFORMATION

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