

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 are committed to equitable educational opportunities for our nation's students. Understandably, as the COVID-19 pandemic extended to the United States, federal, state, tribal, and local governments closed school buildings to prevent the spread of the novel virus. School closures have [impacted](#) 55 million K-12 students nationwide. Although school buildings are closed, education and support services have continued, as “it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.” *Brown v. Board of Education*, 347 U.S. 483, 493 (1954).

Unsurprisingly, the transition to educating students in their homes or shelters has exposed and exacerbated inequities in education, food security, and housing that have long existed. With limited federal leadership — and despite heroic efforts by many administrators, educators, and school staff — schools, as well as state and local educational agencies, are struggling to provide instruction and support to the nation's students in an effective and equitable manner, regardless of students' race, ethnicity, national origin, English proficiency, disability, housing status or socioeconomic status. Most public and tribal schools have been closed for weeks and many will remain closed through the end of the school year, resulting in significantly disrupted education for millions of students. Therefore, it is imperative that schools and state and local educational agencies have guidance to ensure that they meet the mandate to provide equitable education opportunities and critical public resources to all children — including support for their social and emotional health and well-being.

This statement provides promising practices and recommendations to school administrators, teachers, parents, education and civil rights advocates, and policymakers who are working hard to educate and care for America's students in this unprecedented time of crisis. It focuses on five important areas requiring attention to ensure student success: distance learning and digital access, delivery of school meals, instruction for students with disabilities, instruction for students experiencing homelessness, and combatting discrimination based on race and national origin, including for English learners.

We thank school administrators, teachers, and other school staff for all they have done to educate the nation's students during this global pandemic. It is our hope that state and local educational agencies will adopt the promising examples and suggestions provided below and join our commitment to ensuring that:

- all students receive meaningful educational instruction for the remainder of the academic year through effective, accessible distance learning;
- state and local educational agencies make effective efforts to provide free meals to families; and
- educational agencies and schools are prepared to provide summer enrichment and social and emotional support to students where practicable.

PROMISING PRACTICES AND RECOMMENDATIONS

I. Distance learning and digital access

As states closed schools to prevent the spread of the COVID-19 virus, many state and local educational agencies have confronted the inequities of the digital divide with large numbers of students unable to participate in online learning due to a lack of access to broadband internet service or computers or limited English proficiency. To bridge the digital divide and provide alternatives to online learning, several school districts have taken creative steps, as highlighted below.

- [Austin Independent School District \(Austin ISD\)](#) has retrofitted its buses with Wi-Fi capabilities up to 200 feet. These buses will be strategically positioned at apartments and neighborhoods identified as having the highest internet needs between 8:00 a.m. and 2:00 p.m. Austin ISD will also deliver Chromebooks as well as Wi-Fi hotspots to students in grades 3-7 in need of one or both. For students in grades 8-12, Austin ISD has an existing program that provides one device per student.
- [California's Department of Education](#) issued guidance and resources for school districts in the state, including guaranteeing funding and requiring all school districts statewide to provide distance learning (either online or through hard copy packets).
- The [Los Angeles Unified School District](#) has partnered with the Public Broadcasting Service to provide instruction to students through local television programming. Similar programs have launched in [Albuquerque Public Schools](#) as well as in the [Washington, D.C.-Maryland-Virginia](#) region through a partnership with Howard University Television, Maryland Public Television, and WETA.
- [New York City Department of Education](#) (NYC DOE) is working with Apple to obtain and lend 300,000 internet-enabled iPads to students.
- [Binghamton University Community Schools](#), which include 10 school districts, including in rural areas, are providing items to help fulfill students' and families' technology needs, including Chromebooks and Wi-Fi. They have also held virtual cafes for grandparents, who are primary guardians for students, to address remote learning questions. The schools distribute weekly newsletters with information for families, and they have used social media, texting, and telephone calls to communicate with families and students. Some community school directors conduct home visits (practicing safe social distancing) to families they have been unable to contact. The schools have a virtual drop-in for high school students who can ask questions for their families and receive support.

Recommendations for Distance Learning and Digital Access

In addition to the promising practices offered above, we urge school districts to adopt the following:

- Local educational agencies (LEAs) and schools should provide training and/or technical assistance to teachers, parents and guardians who are not experienced in distance learning

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

- LEAs and schools should marshal their resources to facilitate distance learning. For example, they should donate or loan students whatever devices and instructional materials are available (e.g., laptops, iPads, desktop computers, portable white boards, textbooks). LEAs and schools should ensure that students' privacy is protected and provide devices and instructional materials in a language students understand.
- LEAs also may access newly available funding through the [federal CARES Act](#) to purchase additional devices (e.g., personal mobile hotspots) to donate or loan to students who need them and to pay for students' and teachers' home broadband connections. Specifically, the Elementary and Secondary Emergency Relief Fund, as established by the CARES Act, should help improve overall connectivity and address other technology gaps for students. Furthermore, the distribution of devices and instructional materials should be centralized to prevent inequities between schools.
- School buses should deliver instructional materials and devices to students at stops along pre-existing school bus routes (while these buses are delivering school meals). The same school buses could pick up completed schoolwork. LEAs and schools should provide school bus drivers and other staff adequate personal protective equipment and other supports consistent with Center for Disease Control and Prevention's safety and health guidelines.
- LEAs and schools should track participation rates in distance learning. They should not rely exclusively on [online participation](#) for attendance purposes due to some students' lack of access to internet services or other reasons for lack of participation. LEAs and schools should use assignment or project completion as an alternative for attendance purposes and conduct targeted outreach to students who are not participating to help those students overcome barriers to participation, rather than taking punitive measures.
- Teachers should continue to provide feedback to students, whether by emailing comments on how students performed on an assignment, calling each student periodically, mailing graded assignments, or having school buses drop off marked-up schoolwork at stops along pre-existing school bus routes. Assuming all students have access to internet services and appropriate technology, teachers should try and engage students regularly via videoconferencing.
- LEAs and schools should consider how to help students make up lost time, perhaps through voluntary, free summer school during the summer of 2020 and/or 2021. Even if students were to uniformly have a computer, printer, internet service, and a robust collection of instructional materials, there will still be students who do not have a home living environment that is conducive to learning. These students will not have equal educational opportunities via distance learning alone.
- LEAs and schools should engage in scenario planning now as to when it is safe to have instruction in school buildings and under what conditions, as there will not be a one-size-

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.

- 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.
- LEAs and schools should endeavor to develop and provide to students a curriculum for physical and relaxation exercises that can be safely conducted while at home, as well as social emotional learning.
- 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 pandemic 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.

- [Midfield City Schools, Alabama](#) and [Duval County, Florida School District](#) provide school meals at “Grab and Go” meal distribution sites and by delivering meals to bus stops.
- [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.
- [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](#).
- [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 school districts to take steps to continue meal programs, such as providing personal protective equipment and plexiglass shields to workers who

deliver school meals. School service workers and the communities they serve should be protected by the same measures as other essential employees, including [grocery store workers](#) and other food service and delivery workers.

Additionally, LEAs should remove any barriers to students receiving meals, including requiring identification or direct student pickup. These considerations should continue in relation to summer programs.

Recommendations for School Meals

- Utilize [federal CARES Act](#) stimulus funds to support/establish meal distribution efforts in LEAs and schools.
- Designate school service workers and other support personnel essential workers and provide them access to personal protective equipment to enable them to distribute meals safely.
- Incentivize community partnerships with grocery stores, farmers' markets, food banks, and other nonprofits to support school meal programs.
- Ensure that meals are accessible to all students by locating sites broadly throughout the school district or tribal territory and overcoming transportation barriers by delivering meals to eligible students.
- Encourage states to submit a [Pandemic EBT plan](#), which will allow families whose children are certified to receive an EBT card with the value of school meals (\$5.70 per day that schools are closed) to purchase food for the household. The U.S. Department of Agriculture has approved a number of states to operate the Pandemic EBT program – including Massachusetts, Michigan, North Carolina, and Rhode Island.

III. Students with disabilities

[Federal law](#), including the Individuals with Disabilities Education Act (IDEA), requires students with disabilities to receive a free appropriate public education and related services, such as speech or occupational therapies. Additionally, Section 504 of the Rehabilitation Act of 1973 prohibits federally funded programs from discriminating against individuals with disabilities, including students. These legal requirements and educational imperatives continue, even in the face of the current public health crisis. While school closures may present many challenges for students, families, and educators who are used to working together in-person, there are many examples of schools and districts working creatively to ensure that the needs of students with disabilities are met and they are not denied an education. Special attention is needed to ensure the rights of children with disabilities who are also English learners, low-income, or students of color are met.

- [Florida UCP Charter Schools](#) will be providing a customized Distance Learning program for its PreK – 12th grade students. This will include daily live lessons and virtual field trips/performances using Google Meet by teachers, “specials” and guests (i.e. legislators, local celebrities), classroom and individualized lessons using Google Classroom, and

remote occupational, physical, and speech therapies. Clinical Counselors will provide virtual therapy and behavior technicians will host virtual social skills groups and individualized virtual meetings with parents/students. Family Service Case Managers will conduct a weekly “check in” with families to provide any needed support/resources and school nurses will check in with students with health care needs.

- 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. Is the activity essential? 2. Can the activity be done virtually? 3. If there is no other choice, then can the activity be done safely?” Consulting local health departments is advisable and encouraged.
- The [Manchester, NH School District](#) set up a [link](#) to access information regarding home instruction. There is a letter to parents (available in audio in multiple languages), and 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 will call parents. Meals and hard-copy materials are being delivered daily.
- According to a parent of the [Argyle Independent School District](#) in Texas: “We are receiving online instruction through Google Classroom. The teachers are making videos or using WebEx to connect with students and have had great communication and availability. They are currently sending out information for "parent-focused speech therapy.” Special Education teachers have modified assignments and hand delivered them to each student's home and are available remotely to help and answer questions.
- LEAs, schools, parents, and advocates may also consider emerging best practices for complying with federal disability law during COVID-19 school closures by visiting the National Center for Learning Disabilities website [here](#) and [here](#). Practitioners and families can also find curated, searchable resources, access to experts, and examples from the field, provided by national organizations, [here](#).

Recommendations to Effectively Serve Students with Disabilities

- LEAs and schools should develop a process for reaching out to families to assess each student's circumstance or new challenges that may need to be addressed in the home learning environment. Schools should develop a plan for regular, ongoing communication with families, in a language they understand, to monitor student progress.
- LEAs and schools should develop a process for involving families in all Individualized Education Program team meetings and decisions about the student's education needs, goals, and services that will be provided.
- LEAs and schools should ensure that specialized instruction and related services continue for students with disabilities to the greatest extent possible in whatever manner is most appropriate for the child, while maintaining health and safety standards.

- 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 communication among educators and service providers to evaluate students' needs and work together to make appropriate adjustments for students with disabilities.
- LEAs and schools should determine which needed services cannot be adequately or appropriately provided at this time and begin to plan for the provision of compensatory services as soon as possible.

IV. Students experiencing homelessness:

The federal [McKinney-Vento Homeless Assistance Act](#) requires state and local educational agencies to remove barriers to the identification, enrollment, full participation, and retention in school for students experiencing homelessness. Students experiencing homelessness are those sharing the housing of others due to loss of housing, economic hardship, or a similar reason; living in motels, inadequate trailers, or campgrounds due to the lack of adequate housing; or residing in shelters, cars, public spaces, substandard housing, or similar settings. Preschool-aged children, unaccompanied youth, and migrant students living in those situations are also included. Every LEA has a homeless liaison who must implement the McKinney-Vento Act. State and local educational agencies have taken steps to ensure that students experiencing homelessness receive full access to instruction and other school activities during COVID-19 school closures.

- [The Ohio Department of Education](#) published guidance recommending LEAs increase the amount of their Title I, Part A set aside funding to support students experiencing homelessness, and allowing budget flexibility to help LEAs meet the needs of students experiencing homelessness.
- [San Antonio ISD, TX](#) social workers have called all McKinney-Vento families to find out their current living situation and request back-up contact information. Also, the school district distributed a needs survey on its webpage, including a question to identify students who have lost their housing recently, so the district can do outreach based on this self-identification.
- [Sumner School District, WA](#) reached out to local motels where families who are homeless from multiple districts are staying and provided resource information sheets. Also, Building Liaisons are checking in with all of their individual students and families. They are reaching out to them and working on individual issues.
- [Hernando County Public Schools, FL](#) is prioritizing McKinney-Vento students in the distribution of school-issued laptops and reaching out to all unaccompanied youth to ensure they have free Sprint phones and that they are following up on their basic and housing needs.

- The [Community Partnership Charter School, NY](#) purchased pre-paid phones for their students in transitional housing and found that they are working well for access to digital instruction.
- The [nonprofit Win distributed 10,000 books donated](#) by the American Federation of Teachers to children living in its New York shelters. The nonprofit First Book plans to distribute about eight million free books to its network of educators and has already sent out about 1.7 million books to distribution hubs such as emergency feeding sites and homeless shelters.

Recommendations for Students Experiencing Homelessness

Additionally, state, and local educational agencies should take the following steps to ensure services for students who are homeless:

- Continue to ensure implementation of the McKinney-Vento Act, including immediate enrollment, school stability, and full participation. Ensure that McKinney-Vento liaisons have adequate capacity and support to implement the law.
- Prioritize students experiencing homelessness for access to mobile hotspots and devices, remembering that many homeless students do not have access to computers, internet, or other digital methods of learning. For example, districts could use Title I or McKinney-Vento funds to provide internet access or devices to allow students to access digital learning or use public television to broadcast lessons rather than relying on internet access. Additionally, procedures for providing devices and connectivity must not require parent or guardian signatures for unaccompanied homeless youth.
- Ensure access to food, distance learning, and other school services, recognizing the unique challenges of homelessness. LEAs are using school bus routes to get food, technology, information, and other services into communities, rather than having pick-up spots that may be inaccessible. The USDA has also issued [waivers](#) to allow certain meals to be picked up and delivered by volunteers. LEAs also are providing gas vouchers and other transportation assistance to help students access pick-up spots and Wi-Fi.
- Set up processes to keep up with currently identified students experiencing homelessness and to identify students who may be losing housing during this difficult time. Requirements to identify and enroll students experiencing homelessness are still in effect and LEA McKinney-Vento homeless liaisons must ensure identification takes place. For example, school districts could conduct outreach through social media and at hotels, motels, campgrounds, and shelters; needs-assessment surveys on websites and via emails; and provide resources directly to students in homeless shelters.
- Make deliberate efforts to ensure unaccompanied homeless youth and preschool-aged children can access all available services, and to remain in contact.

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 some federal, state, and local educational agencies are taking steps to comply with these laws. For example,

- [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 the school district to make sure students' needs are met. Teachers have a good system for reaching students via online learning and through phone consultations.
- 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

- LEAs should support ESL 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.
- 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 subjected to bullying and harassment related to fears or misinformation about the COVID-19 virus.
- 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.
- 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.

- State governors, state and local educational agencies, and schools should allocate funding through the CARES Act to provide greater access to school counseling and other social and emotional supports as 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. LEAs and schools should leverage federal funds and other resources to provide short- and long-term support for students, and especially for Black children. For example, [Peekskill City Schools, New York](#) have a “warm line” (modeled after a hot line) from 9 a.m. – 9 p.m. staffed with 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 they cannot be allowed to prevent the equitable distribution of educational opportunities and resources to the nation’s students. 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

Children’s Defense Fund - CA

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
Legal Aid Justice Center
League of United Latin American Citizens
Montessori Public Policy Initiative
Muslim Caucus Education Collective
NAACP
National Association for Bilingual Education
National Association of Councils on Developmental Disabilities
National Black Child Development Institute
National Center for Learning Disabilities
National Center for Transgender Equality
National Center for Youth Law
National Disability Rights Network
National Down Syndrome Congress
National Education Association
National Indian Education Association
National Law Center on Homelessness & Poverty
National Urban League

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