



## EDUCATION LAW CENTER

May 2020

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### Working to Remedy Glaring Inequities During COVID-19 Crisis

The COVID-19 outbreak and school closures continue to place an unprecedented strain on children, families, schools, and districts. Students in low-wealth communities, students with disabilities, English learners, and students of color are among those facing intense new challenges and inequities – with many being left behind as instruction moved online.

We outlined many of our concerns in a March [letter](#) to Gov. Wolf and the PA Department of Education (PDE) – which was co-signed by over 80 organizations – about the urgent need for adequate educational services, including new instruction, while schools are closed. Then we sent a [follow-up letter](#) to Gov. Wolf and PDE in April, providing specific recommendations.

In recent weeks, state officials have made significant changes to their [school guidance](#) and addressed a number of our concerns, including making clear that schools must provide individualized services to students with disabilities based on parent input to ensure continuity of education – and must provide school stability and immediate enrollment for children in foster care and children experiencing homelessness. Our advocacy continues, both at the state level and with local school districts, on behalf of our most underserved students.

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### Supporting Families Directly

We are also working directly with students and families to address concerns arising due to school closures and the transition to online learning. For example, ELC recently ensured that an elementary school student new to Pennsylvania, who receives English learner services and is currently experiencing homelessness, was able to immediately enroll in a new school. Absent guidance from her school district about how to enroll students during the closure, the student's parent, who



is limited-English proficient, was unable to enroll her daughter in school. Community advocates supporting this family contacted ELC and through our intervention, this student has been enrolled in school, issued technology to begin online learning, and connected with supports to help her succeed.

You can help ELC continue our work ensuring that all students have access to a quality public education. Now more than ever, as we see a widening of inequities that ELC has long sought to diminish, students' rights must be protected. [Please donate](#) to ELC today.

[Donate here](#)

## Sharing Information, Providing New Resources



ELC is committed to providing updates and rights-based information to Pennsylvania families and to our community partners throughout the COVID-19 crisis. We have released several new parent-friendly publications about students' rights while schools are physically closed, which can be found on our [COVID-19 Response page](#), along with other pertinent updates. We continue to provide information through our [social media](#) channels as well.

If you need to seek legal advice, please contact our Helpline at 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA).

## More Federal Funding for Schools Urgently Needed

The statewide fair funding coalition, [PA Schools Work](#), sent a [letter](#) to the PA Congressional delegation on April 21, urging them to allocate more federal funds to education in future COVID-19 related relief packages. ELC and other signatories to the letter are calling on federal lawmakers to learn from the lessons of the Great Recession – that significant federal investments are needed to keep school districts from having to make deep cuts while state and local revenues are declining.



Pennsylvania is expected to receive an important but insufficient amount of federal funding relative to the increased needs arising out of COVID-19: \$524 million in K-12 education funding that will be allocated primarily to districts and charter schools based on the federal Title I formula, and an

additional \$104 million that Gov. Wolf can allocate at his discretion to address both K-12 and non-K-12 education needs. These funds were intended to address the emergency – **not** designed to replace state or local revenue.

Please contact your [Congressional representatives](#) and urge them to provide enough additional federal funding to states and school districts to avert school budget cuts.

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## Uncertainty Reigns About State and District Budgets

The current financial crisis, uncertainty about education funding in state and federal budgets, and uncertainty about when schools will reopen all make this a difficult time for local school boards to finalize education budgets for the 2020-21 school year.

The General Assembly may pass a budget in the next 6 weeks that provides only 6 months of funding, which would require them to negotiate another 6-month budget for the governor's signature in December. ELC has grave concerns that this approach will shortchange districts of needed dollars for basic and special education and force school districts to make devastating budget decisions.

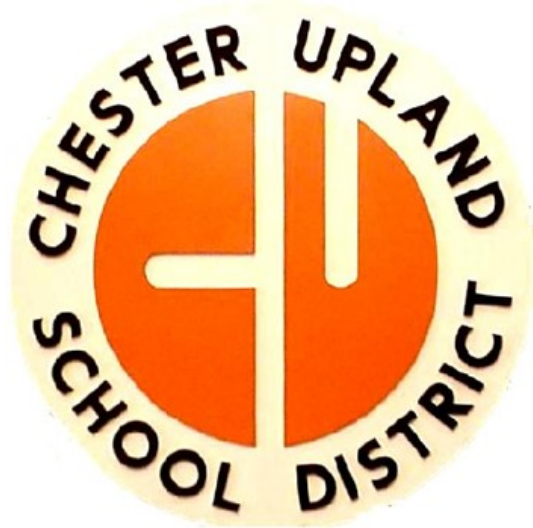
We are looking to state lawmakers to protect the needs of students. [Please contact your state legislators](#) and tell them not to cut education funding. Pennsylvania school districts, especially in low-wealth communities, need state support to ensure they can provide quality education to their students.



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## ELC Challenges Outsourcing of Chester Upland Schools

ELC, along with Public Interest Law Center, filed [a response](#) on behalf of the Parents of Chester Upland School District and the Delaware County Advocacy and Resource Organization on April 24. We are opposing a proposal to outsource the operation of all Chester Upland K-12



schools to charter school control or private management. The proposal – which is unprecedented in Pennsylvania – seeks to fast-track the RFP process so that students returning to school may attend new schools this fall.

Our response challenges the court’s failure to approve a revised recovery plan authorizing the proposal, the lack of transparency and public input in the proposed process, and the lack of focus on quality of

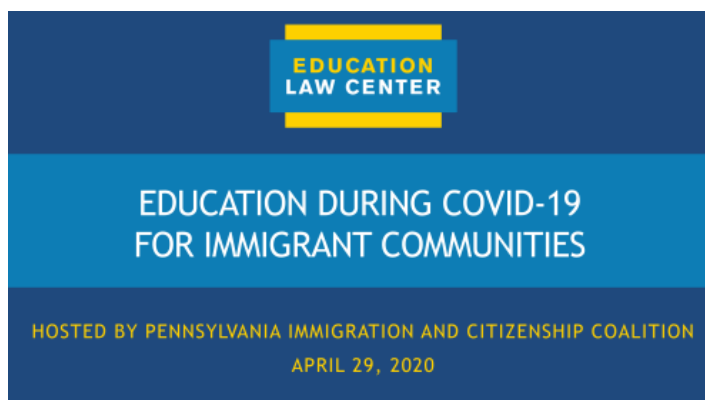
education. We urge the court to reject the proposal, which fails to put a process in place to evaluate the quality of education to be provided to students and the anticipated cost savings to the district.

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## Impact of COVID-19 on Education in Immigrant Communities

ELC attorney Hetal Dhagat and Independence Foundation law fellow Sophia Tan presented on the *State of Education During COVID-19 for Immigrant*

*Communities* in a webinar attended by over 80 participants, hosted by the [Pennsylvania Immigration and Citizenship Coalition \(PICC\)](#) on April 29. ELC provided information on the rights of English learners and limited-English proficient families to access education during this period of school closures. The PowerPoint [is available](#); a recording of the webinar will be posted on the PICC [YouTube page](#).



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## ELC in the News

Our staff have been highlighting the inequities that this latest crisis clearly illustrates, emphasizing how the issue of fair school funding takes on new importance in this context. Our attorneys have been published or quoted, and our work covered, in local, regional, and national news outlets such as the [Philadelphia Public School Notebook](#), [Associated Press](#), [The Philadelphia Inquirer](#), [The Pittsburgh Post-Gazette](#), [WHYY](#), and [The Morning Call](#), among others.

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## ELC Presents Webinar on Continuity of Education

ELC legal director Maura McInerney co-presented an education law [webinar](#) for the PA Bar Institute on April 17, discussing continuity of education during COVID-19. The webinar, now available as an on-demand video, focuses on legal duties of school districts and charter schools and innovative strategies to ensure educational equity for all students.

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## ELC Signs Amicus Brief to SCOTUS Seeking Clarity on Special Ed Services

ELC joined other child advocates in filing an [amicus brief](#) to the U.S. Supreme Court seeking clarification of the provision of the IDEA concerning continuity of special education services for students with disabilities when they change schools. Our brief was filed on behalf of highly mobile children in foster care and students living in poverty who are most likely to be impacted by school changes due to homelessness, housing instability, and involvement in the child welfare system.

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## Support ELC for GivingTuesdayNow



ELC is hard at work supporting students and families as we navigate the COVID-19 crisis together. Now more than ever, students in PA need their educational rights safeguarded. Your contribution helps us continue our advocacy and makes a difference in students' lives. Please [donate today](#) to be a part of our #GivingTuesdayNow campaign.

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## What We're Reading...

- [No Internet. No Backup Plan: What Happens to Seniors Raising Grandkids in the Pandemic?](#) By Samantha Melamed in The Philadelphia Inquirer
  - [Don't Forget About the Children Suffering in Silence](#) by David Johns in The Root
  - [Congress Needs to Ensure Educational Equity in the Wake of the Coronavirus Pandemic](#) by the Center for American Progress
  - [Will Schools Reopen to Students in the Fall? This May Not be the Answer Parents Want to Hear](#) by Jan Murphy in PennLive.
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