

# American Rescue Plan: Prioritize Equity to Effectively Serve All Students in Pennsylvania

May 2021

*COVID-19 has disproportionately impacted the education of Black and Brown students, those living in poverty, children with disabilities, English learners, children experiencing homelessness, and those in our foster care and juvenile justice systems, all of whom have been historically underserved by our education system. From lack of access to devices and high-speed internet to deficiencies in online curriculum to insufficient supports and services, lost learning opportunities have harmed students who are most impacted by racism, poverty, and unique learning needs. These losses must be addressed, remedied, and prioritized by our schools.*

*The federal [American Rescue Plan Act](#) is the largest one-time investment in schools in our nation's history. Pennsylvania is receiving \$4.9 billion in emergency funding and at least 90 percent, or \$4.5 billion flows directly to eligible public school districts and charter schools, with each entity receiving an amount proportional to the federal Title I-A funds received in 2020 under the Every Student Succeeds Act. ELC urges school boards and administrators to target resources to students who have experienced the most significant learning losses, invest in new strategies to ensure equitable access to learning, and effectively transition all students to in-person school environments that support, value, and affirm all learners.*

*Our recommendations to districts and schools address the following topics: remediation of learning losses, centering racial equity, investing in Black girls, meeting the rising mental health needs of students, investing in English learners, supporting students with disabilities, investing in students in foster care and juvenile justice systems, and supporting students who identify as LBGTQ.*

## REMEDiate LEARNING LOSSES OF STUDENTS MOST IMPACTED

- **Provide access to summer learning over two to three years.** Summer school should be available for students starting in kindergarten and extending to students who are 21 or older. Provide safe, socially distanced, on-site academic opportunities at school buildings and/or in the community. Offer transportation to ensure access for all children. To ensure rigor and accelerate rather than only remediate learning, educators should teach all students grade-level content and make necessary adjustments for students who have IEPs. This may require that schools and districts identify the highest-priority content and lessons that can be compressed or deemphasized. Consider offering a mix of academic learning, social and emotional support, and recreational activities, specifically geared toward students in under-resourced communities. This type of nurturing “summer semester” should take place over the next two to three years, as a single summer will not be enough to adequately bolster student learning. Bus service or

other door-to-door transportation should be available for younger students and students with disabilities who need it to attend in-person. Older students should be given access to transportation, including public transportation, in accordance with LEA policies.

- **Invest in academic coaching, in-person enrichment opportunities, and one-to-one tutoring for students.** Offer teachers extra paid hours to provide individual academic support to students, do weekly check-ins by text or other platforms outside of class, and provide positive incentives to promote attendance and engagement. Extend specialized additional support for students with disabilities, English learners, and students in the juvenile and criminal justice systems. Provide tutoring specifically designed for remote and hybrid learners that has shown [positive outcomes, including evening and weekend options](#). Focus on priority standards and lessons to support student learning.
- **Invest in extended learning opportunities,** including extending the traditional school year for all students who turned 21 during the 2019-2020 and 2020-2021 school years and had their education interrupted by the COVID-19 pandemic. Students with disabilities and those who aged out of school at 21 during the 2019-2020 or 2020-2021 school years should be able to remain in or return to school for the 2021-2022 school year, participate fully, and earn a high school diploma.

## CENTER RACIAL EQUITY

- **Advance racial equity through a revised curriculum.** Students need to see themselves reflected in a curriculum and school culture that are racially inclusive throughout elementary, middle, and high school. Districts should convene an independent and ethnically diverse review board for the curriculum, comprised of educators of all subjects, ethnic studies researchers, child psychologists, parents, students, and grassroots education-focused organizations to ensure districts have selected high-quality and culturally relevant curriculum. These boards should engage students, families, and staff in the process of evaluating curriculum for cultural responsiveness, including making certain that instructional materials and books allow students of all racial, ethnic, and linguistic backgrounds to feel safe, acknowledged, and respected. Learn more about curriculum options at [Learning For Justice Frameworks](#).
- **Shift staff resources to nurses, counselors, social workers, and school psychologists and away from school police, school resource officers, and metal detectors.** One such model in Georgia is [Gwinnet StoPP](#).
- **Advance racial equity in teaching staff.** Districts and schools should provide all educators with professional learning experiences to reflect upon their own identities and biases as well as concrete strategies and tools for addressing racism, privilege, and bias in their classrooms. (See e.g., [Whiteness at Work](#)) Outside experienced consultants can significantly advance this effort and build an infrastructure to ensure its ongoing success. (Racial equity consultants such as <http://2brwngirls.com/> or <https://collaborate.consulting/racial-justice>)

- **Invest in culturally responsive inclusive schools.** Develop cultural responsiveness and identity-safe, affirming learning environments. ([A Restorative Approach to Equitable Education](#)). See also PA Dept. of Education, *Creating Inclusive Schools: Racial and Ethnic Identity*.
- **Provide anti-racist, inclusive trainings** for educators ([Dena Simmons](#)) Provide all staff and school personnel with annual mandatory, age-appropriate, gender-inclusive training on systemic and interpersonal harassment, bullying, and violence.

## INVEST IN BLACK GIRLS

- **Conduct a comprehensive internal equity audit at a district or charter school** for subjective and racialized policies and practices that disproportionately harm and exclude Black girls. This audit will give LEAs comprehensive knowledge of toxic school conditions that harm Black girls. Some equity audit organizations focused on Black girls include [We Are Beloved](#) and [Learning for Justice](#).
- **Invest in creating the conditions needed to support effective equity policies** (See [PSBA for information, materials, and sample equity policies.](#)) Such approaches should include processes to resolve conflict, such as restorative practices, which create an opportunity for productive dialogue and have been shown to reduce rates of exclusionary discipline.
- **Mandate schools to include Black girls in the development of codes of conduct and student handbooks**, as well as the policies, practices and cultural expectations of the school ([National Black Women’s Justice Institute](#))
- **Invest in [culturally responsive mental health care](#)** to meet the needs of Black girls including:
  - Investing in culturally competent mental health care professionals who have expertise in dealing with the impact of surviving systemic racism and generational trauma. School should invest in enough personnel to ensure all students with mental health needs can be served fully and regularly
  - Creating physical locations where students can receive mental health services, de-escalate, meditate, and engage in restorative justice. For example, see the [Columbus City Prep School for Girls profiled by Dr. Monique Morris](#).
- **Expand learning opportunities for Black girls** by developing a culturally responsive curriculum and building specialization and content competency for Black history courses, among others. Black girls should be able to see themselves and their history positively represented in curriculum across all subject areas.
- **Provide professional development training** for all staff to build competency in addressing the needs of Black girls, including understanding and addressing adultification bias and other forms of racialized and gender-based discrimination. See [She Matters](#).

## MEET THE RISING MENTAL HEALTH NEEDS OF ALL STUDENTS

- **Identify and use a screen for trauma**, either in person or online. Simple, well-researched instruments include UCLA’s [COVID-19 Screen for Child/Adolescent PTSD](#) and the [Structured Trauma-Related Experiences and Symptoms Screener](#).
- **Dedicate funds to creating sustainable partnerships** with community mental health providers to provide services.
- **Implement trauma-informed training and practices** available from the [National Child Traumatic Stress Network](#), [ACES Aware](#), or similar resources. A recent [review of programs with proven track records](#), many of which offer free tools and free online training, can help schools get started.
- **Offer culturally competent** mental health services and supports at school.
- **Increase the number of mental health professionals** serving students so that they have manageable caseloads.
- **Invest in restorative justice** and needed coaching for both staff and students to appropriately and proactively implement individual and schoolwide interventions.

## INVEST IN ENGLISH LEARNERS

- **Invest in effective multilingual communication platforms** to ensure that families can communicate with teachers in their preferred language. Funding should also be used to support teacher training to learn how to use this new technology.
  - This technology should supplement the routine translation of communications from schools to ensure that linguistically and culturally diverse families can meaningfully participate in school.
  - Examples include “[Talking Points](#)” for live communication ([Pittsburgh Public Schools](#)); “[MotaWord](#)” for live translation; “[TransAct](#)” for educational compliance and sending documents; “[TransPerfect](#)” for web customization, interpretation, and translation services; “[Avante Language Services](#)” for translation and interpretation.
- **Invest in culturally competent educators and staff.**
  - **Increase bilingual support staff** in multiple languages to enable culturally competent and linguistically accessible connections with families who speak languages other than English. Students should never be used as interpreters or translators for their families.
  - **Increase the number of bilingual special education evaluators** or increase access to interpreters to ensure timely and culturally competent evaluations for children and to support family involvement in schools.

- **Provide professional development** for school staff to become culturally competent and affirming for all students, provide effective language instruction, and address harassment and bullying through robust investigations and communications with students and staff.
  - **Increase access to culturally competent school counselors to provide mental health supports** for ELs and newly arrived students. Much work is needed by bilingual staff and/or by staff that is culturally/linguistically trained to deliver mental health support for traumatized students. Work is also needed in outreach to families that may be unaware of their rights and the programs/services offered.
  - **Expand access to CTE for ELs.** Many ELs are turned away from CTE programs due to language barriers. Those who participate need language support to be successful and pass the certification exams at the end of the course. Hiring staff to support CTE students who are ELs would expand options and engagement for these students.
- **Fund intensive supports required for newly arrived immigrant students with limited prior school to make academic progress.**
- **Increase investment in robust newcomer programs for newly arrived immigrant students.** Self-contained programs should support newcomers for at least a year to enable students to build a strong initial literacy and numeracy foundation, through intensive ESOL instruction from qualified educators and adequate, well-trained support staff equipped to address the social and emotional needs of traumatized immigrant students. See for example, [Bridges to Academic Success](#) (NYC).
  - Provide a program to **support over-age students arriving in high school with limited to no English** (and limited formal schooling), so that they may earn credits but also have sufficient time and support to learn English and gain an academic foundation.
- **Invest in high-quality English language development and content instruction for ELs.**
- **Invest in a curriculum framework and continuing education for content-area and ESOL teachers.** Fund training for ESOL teachers on effective second language teaching practices. Identify and fund teacher coaches able to support ESOL teachers. Fund [QTEL training](#) for content teachers to learn how to support ELs in all subjects.
  - **Provide expanded remedial support for ELs through summer and afterschool programs.** Afterschool programs providing literacy activities offer ELs much needed support academically, culturally, and socially.
- **Upgrade data collection and interoperability** to collect reliable information regarding ELs and limited English proficient parents, including tracking family language preferences across schools and departments. This system should communicate with special education offices, track progress, and identify whether a student is SLIFE (students with limited or interrupted formal education), what modalities the student uses and whether they receive special education services.

## INVEST IN SUPPORTING STUDENTS EXPERIENCING HOMELESSNESS

- **Adopt a [universal screener](#) to proactively screen and identify all eligible students** upon enrollment, whenever a student moves, and at the beginning of each school year. LEAs have a clear legal obligation to ensure that all students experiencing homelessness are identified immediately and afforded all of the [rights and protections](#) provided by the federal McKinney-Vento Act. Screening all students increases the likelihood of prompt identification and avoids the stigma of selectively screening families.
- **Prioritize the identification and enrollment of new students experiencing homelessness.** Pay teachers and staff to contact families outside of school hours to determine whether families are experiencing housing instability. Hire a diverse outreach staff specifically tasked with finding and re-engaging students. Develop new protocols for identifying and re-engaging students experiencing homelessness and train all staff on protocols.
- **Provide training to all school staff** to identify students and understand the unique needs of students and families of color experiencing homelessness and students of color who may also be involved in child welfare and/or the justice system, as these families are more likely to have these experiences and interactions due to systemic racism. This should include how to [center anti-racist approaches](#) in conversations and interactions; and, in outreach and service provision, how to ensure cultural competence and sensitivity to the impacts of racism and trauma, as well as to the strengths of these families and students.
- **Create a seamless data system for all school staff** to identify student needs and track whether and when services were provided under McKinney-Vento or any other program, service, or agency. Upgrade online enrollment systems to ensure they are fully and easily accessible to families and students experiencing homelessness. Consult the SchoolHouse Connection guide to [Removing Barriers to Online Enrollment](#).
- **Ensure that all materials and communications related to McKinney-Vento are translated.**
- **Provide training to school [counselors](#)** to assist McKinney-Vento students with [credit accrual](#) and recovery, graduation planning, [FAFSA completion](#), and [college transition](#).
- **Increase access to out-of-school programs.** Invest in out-of-school programs and remove barriers to accessing these programs by providing transportation to students experiencing homelessness to participate in these programs in their schools of origin or at the school in which they are immediately enrolled.
- **Ensure access to technology.** Provide internet access to families and updated laptops for schoolwork. Do not hold charge fees for technology damage or insurance to families who are experiencing housing instability. Replace devices without cost if they are broken, lost, or stolen. Consider providing noise-cancelling headphones to students sharing the housing of others (“doubled up”) or living in shelter.



- **Provide age-appropriate transportation options for children and youth who are experiencing homeless or in foster care.**
  - Increase capacity of existing bus services by hiring more drivers and purchasing more buses.
  - Partner with public transportation providers to offer no-cost or reduced-cost bus passes, train passes, bikeshare access, etc.
    - Ensure that an adult is also provided with a transit pass to accompany younger children to and from school, if public transportation is used
  - Create a transportation one-stop “hub” where rides could be coordinated to and from school, early childhood, and summer programs.
  - Contract with rideshare providers to ensure that older students are able to get to and from school (where allowed and within your district’s legal guidelines)
  - Purchase a fleet of vehicles that families experiencing homelessness can use as a car share option, to transport their children to and from school and learning opportunities.
  - Reimburse youth and parents for gasoline.
  
- **Expand access to high-quality preschool** for young children who are experiencing homelessness or in foster care through outreach campaigns and incentivizing the creation of new slots to specifically serve these populations.
  - Provide targeted training for educators and paraprofessionals on identifying and supporting families and children eligible for these services.
  - Provide transportation to existing in-person child care options.
  - Hire early childhood specialists at LEA McKinney-Vento programs, Head Start programs, and child care programs who assist in the identification and support of young children experiencing homelessness and in the foster care system.

## INVEST IN STUDENTS IN FOSTER CARE AND JUVENILE JUSTICE SYSTEMS

- **Provide training to school [counselors](#)** to assist students in foster care and the juvenile justice system with [credit accrual](#) and recovery, [FAFSA completion](#), [college tuition waivers](#) for students in foster care, and [college transition](#), including [support services and programs available to students on college campuses](#).
  
- **Invest in a pilot program that assigns school-based Success Coaches to students who are system-involved.** These coaches would support students by identifying academic and non-academic needs and opportunities, develop a graduation plan, and help a student make progress towards their post-graduation goals. ([Foster Youth Coaching](#), NJ)

- **Invest in a pilot program in partnership with a child welfare agency to hire “systems navigators”** to help families and youth access education and other vital benefits and services that address barriers to enrollment and educational success such as shelter, utilities, housing and rental assistance, child care, Head Start, unemployment, tax credits, food, health care, masks, and hygiene supplies. When possible, hire parents and/or young people with lived experience to serve as systems navigators. ([Multiple Systems Navigator](#), New York)
- **Build the necessary infrastructure and interoperability** between schools and residential placements to ensure prompt transfer of education records, sharing of course rosters, and immediate accessibility of IEPs. ([Juvenile Justice Services Strategic Indicators Data](#), Utah)
- **Provide academic coaching, in-person 1:1 tutoring, enrichment opportunities, and access to summer learning.**

## INVEST IN RESOURCES FOR STUDENTS WITH DISABILITIES

- **Ensure prompt evaluations and eligibility determinations for all students within 60 days and expedited evaluations within 30 days for students with disabilities experiencing homelessness, in foster care, and involved in the justice system.**
  - Students who encounter educational disruptions due to repeated moves or changes in placement are often not evaluated in a timely manner and deprived of needed special education services. U.S. Department of Education [guidance](#) encourages LEAs to evaluate/reevaluate students and make eligibility determinations on behalf of students who are “highly mobile” on an expedited basis of 30 days, rather than the standard 60-day time period.
- **Expand access to qualified personnel.**
  - Hire more qualified personnel, including speech/language therapists, occupational therapists, physical therapists, behavior analysts, and school psychologists. Given the need for remediation of lost or stagnant skills due to the pandemic, there is great urgency to ensure that trained, skilled personnel have manageable caseloads to provide intensive services to qualified students with disabilities.
- **Invest in evidence-based curricula and methodologies.**
  - There has been extensive research in the last three decades about educational programs with proven success for students with disabilities with specific educational needs. Students with disabilities succeed in programs with demonstrated outcomes, for example [multisensory reading](#) or [verbal behavior](#) programs, where they can have opportunities for meaningful inclusion. Invest in training for staff to implement these programs and provide staffing levels, which sometimes require 1:1 instruction, in order to implement the programs with fidelity. Support students with disabilities remaining in their community schools while receiving necessary evidence-based instruction. For information on research supporting leading and common curricula and



programs used in schools today, see the Institute of Education Sciences' [What Works Clearinghouse](#).

- **Ensure access to trauma-informed mental and behavioral health services.**
  - Provide training to mental health and behavioral health providers in schools to implement evidence-based, trauma-informed practices. Ensure that there are sufficient behavioral analysts to assist schools with development of effective, data-driven, positive behavioral intervention plans. Provide training for staff on delivering trauma-informed instruction and classroom management.
  
- **Provide language access throughout the special education planning process for limited English proficient parents.**
  - Hire and train qualified personnel to provide appropriate interpretation services for multilingual families who cannot meaningfully participate in special education meetings in English. Expand the language access features for electronic IEP systems to provide more options for written translations of IEPs, evaluation reports, reevaluation reports, and prior written notice. Fully translate into major languages all special education guides offered by the school district. *See, for example,* [Los Angeles Unified School District's Translation Unit](#).
  
- **Provide robust compensatory education services for students deprived of a FAPE during the COVID-19 period.**
  - During the pandemic, many students with disabilities did not receive the appropriate and inclusive education that they need and to which they are legally entitled. Districts must provide compensatory education to address the deprivations of education to students with disabilities for the entire time period for which appropriate supports and services were not provided. The availability of COVID Compensatory Services (CCS) may be based on lack of progress, and a showing of regression is not required.
  
- **Invest in high-interest, person-centered, skills-driven transition services.**
  - Many transition-aged students did not receive access to transition services for over a year due to the pandemic closures. In order to maximize the impact of the remaining years for transition, invest in high-interest, skills-driven transition services. Appoint dedicated staff to ensure that students are linked with relevant, transition-focused agencies and partners, as well as community-based job opportunities to develop concrete skills. (See [Right Turn Youth Transition Initiative](#))

## INVEST IN STUDENTS WHO IDENTIFY AS LGBTQ

- **Train all school staff**, including administrators, educators, and paraprofessionals to address anti-LGBTQ bullying and harassment. Trainings should include information about how to interrupt and to report bullying and harassment by students, staff, and school security personnel. ([Lambda Legal](#))
- **Implement affirming comprehensive curricula** that center the history, accomplishments, and contributions of members of the LGBTQ communities and ensure representation and respect for people across all gender and sexual identities and expressions.
- **Refrain from imposing discipline as a means of gender-policing.** Schools should not interfere with equal access to restrooms or with students dressing according to their gender identity.

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The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness.

ELC's publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC's Helpline for information and advice – visit [www.elc-pa.org/contact](http://www.elc-pa.org/contact) or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) – or contact another attorney of your choice.