

POLICY BRIEF

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Using CARES Act Funding to Protect Students' Educational Rights During the COVID-19 Crisis

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States are slated to receive more than \$16 billion in education-related funding appropriated under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act. It is important to remember in the disbursement of these funds that marginalized students are intended to be primary beneficiaries of CARES Act funds, and states are responsible for overseeing their use. They have the authority to instruct local education agencies (LEAs) in how these funds should be used, and decisions about the allocation of CARES Act funds should center the needs of marginalized students at this crucial period.

Students from the following groups already faced barriers and educational inequities before the COVID-19 crisis began: low-income children, children of color, children with disabilities, English-language learner children, children in immigrant families, children in foster care, migrant children, homeless children, LGBTQ children, children in the juvenile justice system, and children whose identities span two or more of these categories. These are students who rely on additional support through our schools. With schools closed in most states for the remainder of the 2019-20 academic year, these children are likely to fall further behind their peers without a plan to prevent or redress equity gaps.

The disproportionate impact of COVID-19 on communities of color compounds existing risk factors, exposing already crippling equity gaps. States should recommend providing instruction and support to students to the maximum extent possible, thinking creatively about ways to meet student needs. It is also crucial that states allocate adequate funding and resources for students' return to the classroom – particularly to address the gaps that are likely to widen for marginalized students while schools are closed. This means that maintaining – not cutting –

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State education dollars and using the federal dollars to "supplement not supplant" State dollars, so that federal dollars are actually having the maximum impact on reducing inequities for marginalized children. Other strategies are outlined below:

Create Structures for Public Accountability and Transparency

Convene a Task Force that includes students, parents, educators, and community stakeholders with equity as a central value. The Task Force should ensure a statewide response and school district accountability to accomplish a twofold role: (1) ensure equity in short-term efforts, including meal distribution, remote learning, devices and internet access; and (2) ensure equity when students transition back to in-person instruction, including how to assess and determine the need for compensatory services for students who have fallen behind, and how to address issues like trauma, mental health, and social-emotional needs at school.

Meaningfully engage with marginalized students and parents in planning and monitoring the use of these funds. States can explore multiple strategies to engage and center the voices of marginalized students and parents, including leveraging current communication structures to gather information (e.g., phone hotlines to take questions and feedback), bringing together community-based organizations and advocacy groups in soliciting input and feedback, and holding multiple online community engagement sessions that focus on centering different groups on a rotating basis.

Require transparency and accountability at the district level by requiring LEAs to submit plans that put equity for marginalized students at the center of planned uses of these new funds. This also includes requiring that private and charter schools' uses of CARES Act funds be equally transparent and accountable to those of public schools. States should also provide maximum transparency on planned uses of the new federal funds by publicly posting in languages accessible to all state residents on their website: the **State application** to the federal government, the **State's plan** for the funds, and a **State report** on how funds were used.

Focus Spending on Equity for Marginalized Students

Address short-term equity gaps now. Districts need resources to provide the tools to access education remotely, thereby improving equitable access to services. Some districts already provided students with individual devices; other districts do not have the funding to provide computers and internet access to all of their students in need. In addition to this digital divide, short-term equity gaps include the need to provide additional supports for students with

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disabilities, ensure language access, and provide students additional supports if their parents or caregivers are not able to meet their children's educational needs while balancing other significant family concerns. Schools should also provide additional support for continued identification of students experiencing homelessness, provide increased training and support for educators on remote learning, and address mental health needs.

Address longer-term needs for school investments to narrow equity gaps. Plan for and allocate funding for longer-term investments in schools, particularly addressing equity gaps, once students return to in-person instruction. This will require that the state maintain – not cut – state funding for districts, using federal dollars to supplement rather than supplant state funding. Schools should invest in equity and accountability in compensatory education, supporting and incentivizing districts to provide compensatory education to vulnerable students. It is also essential to invest in mental health, physical health, and trauma-informed support for all students, particularly the most vulnerable.

Provide guidance and leadership to districts, both in the short and long term, by providing guidance on effective strategies for reducing education inequities for marginalized students during the COVID-19 school closure, over the summer and once schools re-open. Schools should also gather and share informational resources on effective strategies for reducing education inequities for marginalized students during these times. This includes supporting districts in methods of innovation to meet student needs, including, but not limited to best practices in engaging students virtually and creating a forum for schools and districts to share lessons and strategies they have found effective. It is equally important to provide training, guidance and support for district and school leadership and for educators on effective strategies for assessing academic and social-emotional needs and reducing education inequities for marginalized students in the COVID-19 school closure, over the summer and once schools re-open.

Amy Meek is a Senior Counsel at Chicago Lawyers' Committee for Civil Rights, where she works to protect and promote access to education by addressing the individual and systemic barriers that disproportionately impact historically disadvantaged communities, using an explicit racial justice lens. Ms. Meek has previously worked as a senior attorney at the American Civil Liberties Union of Illinois, as a clinical teaching fellow at Loyola University of Chicago School of Law, and as Reentry Coordinator and Deputy Chief of Staff for the Mayor's Office of the City of New Haven, Connecticut.