

# Education in the wake of COVID-19

## **Know Your Rights Manual**

# WHO WE ARE

This manual was created by the staff of TeamChild.

We are tenacious problem solvers with legal expertise in all aspects of the law impacting youth. Our primary areas of practice focus on youth rights to education, healthcare, housing and the intersections between the child welfare and juvenile court systems. We find out what matters to youth who ask for our help, and our lawyers champion their solutions to overcome the obstacles to their success. We stand with youth.

At the time this manual was created, there remain many unknowns surrounding the future of education due to the Covid-19 Pandemic. What is known is that all children in Washington State have a constitutional right to education, and it must be met. Furthermore, students with disabilities are protected by federal laws that ensure they receive instruction and related services designed for their specific learning needs. In this time of uncertainty, these rights remain intact, and must be honored by Washington schools.

This manual includes summaries of laws, rules, and guidance in place that we believe relevant to students during the Pandemic. We have also included some tips for parents and students advocating for the enforcement of these rights. Sometimes following these tips may not be enough, and you may feel like talking with someone who can work with you to enforce these rights. TeamChild may be able to help further. **TeamChild currently serves the following areas: King County, Pierce County, Spokane County, and Yakima County.** If you have additional questions, please e-mail [knowyourrights@teamchild.org](mailto:knowyourrights@teamchild.org) or contact your local office directly: [King](#), [Pierce](#), [Spokane](#), and [Yakima](#).

We have limited this manual to one-page summaries on various issues related to the Pandemic. If you are looking for more detailed information on education issues and rights in Washington, you might want to try our [Education Advocacy Manual](#).

***\*Please note that things are changing rapidly, and this document may be updated and new issues may be added to address what communities are facing.***

*The information in this manual is not legal advice. Legal information is not the same as legal advice. The information in this manual is not a substitute for and does not replace the advice or representation of a licensed attorney.*

*While TeamChild goes to great lengths to make sure the information in this manual is accurate and up to date, we make no claim as to the accuracy of this information and are not responsible for any consequences that may result from the use of this manual. We recommend that you consult with a licensed attorney for assurance that the information in this manual and your interpretation of it are appropriate for your situation. You should not and are not authorized to rely on this manual as a source of legal advice. The use of this manual does not create an attorney-client relationship between TeamChild and any user.*

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**Stand With Youth**

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# Grading

Students will still get grades this year, and each district can decide how to grade. The Washington Office of Superintendent of Public Instruction (OSPI) put out some grading guidelines:

- **If you are in Kindergarten to 8th grade:** Everyone will move to the next grade, unless the family and teachers agree that the student should repeat the grade.
- **If you are in high school or getting high school credit:** No one can get a pass, fail or no credit. If schools are giving out letter or number grades, they cannot give a failing grade. For example, a school could give out A, B, C, and Incomplete but not a F. They could also give out a 4, 3, 2, but not a 1. No school can use a pass/fail system, unless this is in a student's IEP or 504 plan.
- **If you get an "incomplete," the school must give you a chance to earn a grade.** This might be through summer school, online class, or another option.
- **Your grade cannot be worse than what it was on March 17.** For example, if you had a B when schools closed, you can work towards an A or get an "incomplete," but you cannot get a C. The school cannot use your attendance for your grade.

Check with your district about their grading policy. Here are what some bigger school districts are doing:

- **[Seattle Public Schools](#):** Schools will give out an "A" or "incomplete" for high school students. Students will get an "incomplete" if they don't do the lessons. If you get an "incomplete," your teacher must tell you why and let you earn a grade during the summer and next fall.
- **[Tacoma Public Schools](#):** Schools will give out an "A," "B" or "C" for middle school and high school students. Some classes that don't affect GPAs, such as advisory, will give a "P" or "pass" to all students.
- **[Spokane Public Schools](#):** Schools will give out an "A," "B," "C," "D," or "Incomplete" for high school students.

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We currently serve the following counties: [King](#), [Pierce](#), [Spokane](#), [Yakima](#).

## Technology Access

Many schools are already using online education for students to use from home. Districts must make sure each student can use these programs by giving you equipment (like laptops or tablets) and helping you get internet access. Schools need to train their staff, students and families on how the system works and make sure that any online class can meet every student's level. Districts also need to make sure their students in juvenile detention can access their remote educational services. **If your school is using online education, call your school to make sure you have the equipment and get help on how to use it.**

Many internet providers have signed the Keep Americans Connected Pledge to help get people connected:

- [C Spire](#): Free wireless data to K-12 students for education. Some free WiFi for students in parking lots.
- [Charter Communications/Spectrum](#): Free internet access for 60 days for K-12 and/or college students. Free WiFi hotspots in the service area.
- [Comcast](#): Free broadband for 60 days to new Internet Essentials customers. Free Xfinity hotspots in businesses or outdoor locations through June 30.
- [Google Fiber](#): Free WiFi hotspots in the service area.
- [Consolidated Communications](#): Two free months of broadband to K-12 students who don't have internet.
- [CressComm Wifi](#): Free WiFi hotspots in the service area.

You can also search for low-cost internet and computers in your region [HERE](#).

Some districts might even be giving free WiFi. For example, [Seattle Public Schools](#) is offering free WiFi to its students.

Don't be afraid to be creative! There may be staff or materials that can now be reused to provide education. For example, districts can use school buses to deliver textbooks, lesson materials, homework assignments, and meals. They could also use local radio and television to provide virtual classes.

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## Students Experiencing Homelessness

Youth experiencing homelessness still have all of their educational rights under federal law. This law is called the McKinney-Vento Act. It requires schools make sure that students experiencing homelessness can participate fully in school activities, and that schools find and remove barriers to finding, enrolling, and keeping students experiencing homelessness in school. This includes these rights:

- **You have the right to go to school, no matter where you live or how long you have lived there.** You must be given access to the same education, including preschool education, that other children get.
- **You have the right to keep going to the school you attended** before you became homeless or the school you last attended, if that is your choice and is workable.
- **You have the right to be in school programs with youth who are not experiencing homelessness.** You cannot be separated from the regular school program just because you are experiencing homelessness. You have the right to receive the same special programs and services, if needed, that all other students get in these programs.
- **You have the right to enroll in school without giving a permanent address.** Schools cannot ask you for proof of residency that might prevent or delay enrollment.
- **You have the right to be in school while the school is getting your immunization records or any other documents for enrollment.** Even if the school and you are working out a disagreement about enrollment, you can still be in school.

Schools must enroll McKinney-Vento students **immediately**, even during this pandemic. 42 USC 11432(g)(3)(C). Enrollment means “attending classes and participating fully in school activities.” 42 USC 11434a(1). In the pandemic, this means McKinney-Vento students can participate in any and all activities the school is offering at this time, like school meals, virtual classes, social work services outreach, etc.

Students experiencing homelessness should get help from people called **McKinney-Vento liaisons** about COVID-19, and the liaisons should reach out to these students and their families to make sure they are connected to education and other school and/or community-based supports. [Click Here](#) for a list of McKinney-Vento liaisons by county.

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# Attendance and Truancy during School Closures

## **Schools cannot take you to court for “missing” too much school right now.**

Schools can't file truancy petitions for absences from March 17, 2020, through the end of the school year. WAC 392-901-030(3)(b).

- Truancy or “Becca Bill” petitions are when schools file court cases against students and families for missing too many classes or school days.
- The state’s Office of the Superintendent of Public Instruction (OSPI) changed the rules so that schools can't file truancy petitions during the COVID-19 school closures.

If you already had a truancy case, courts can't issue or enforce warrants for not showing up in court or violations of their orders. Your truancy case should have been pushed to after June 1, 2020.

## **Many schools are still taking attendance.**

Schools have to record whether students are participating in learning during the school closure. WAC 392-901-030(3)(a). Each district has its own policy for that. Some are doing weekly contact or having students turn in some work. If you can't or don't participate during this time, you can't be taken to court.

## **Missing school during school closures should not affect grades or enrollment.**

In the past, schools withdraw students who are missing 20 days or more of school. This has changed. Students should not be withdrawn from school for missing days during the COVID-19 school closures. WAC 392-901-030(3)(a).

School districts are making their own rules about grading and class credit, but they have to follow state guidelines. Normally, attendance can change your grade. Now, the state has said that schools can't use attendance to decide grades or credit during the COVID-19 school closures.

## **If you already have a truancy case, ask for it to be dismissed.**

Families can ask for truancy cases that started before the school closures to be dismissed, so they can work with schools when they reopen. Students should have a fresh start. Remember, by state rule, a student's attendance from March 17, 2020, to the end of the school year should not be held against them because schools were closed.

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## Students Disciplined before Crisis

Students who were suspended or expelled before school closed still have many rights. Schools must still follow all of the discipline rules. You can find those rules in [WAC 392-400](#). If you or your student was disciplined before the COVID-19 shutdown, make sure you talk with the school about these rights:

- **You still have the right to education during the shutdown.** You should be getting education that is similar to what you would get in the classroom. **If you are not getting education, contact your school immediately.**
- **Your discipline will still end on the day listed on the discipline notice.** Your suspension or expulsion will not go longer than the end date listed on the notice you were given. Your school cannot push back your discipline to when school opens again.
- **Your discipline should end when the 2019-20 school year is over.** All long-term suspensions and most expulsions will end when this school year ends. Make sure your school is ready for you to come back at the beginning of the 2020-21 school year. Some expulsions might continue into the next school year. If you are in this situation, reach out to your local TeamChild office directly [King](#), [Pierce](#), [Spokane](#), and [Yakima](#) for help.
- **You have the right to a reengagement meeting.** You still have the right to meet with the school about how to stay engaged in your education and how to best return. This meeting should happen within 20 days after your discipline started. Ask your school to schedule a reengagement meeting.

We are still learning about what discipline looks like now. No matter what, remember that a school cannot stop educating a student as punishment. If you or your student is facing discipline during the shutdown, please contact your local TeamChild office directly [King](#), [Pierce](#), [Spokane](#), and [Yakima](#) for help.

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## Special Education – Following IEPs

### Free Appropriate Public Education is still required!

- Schools must still provide Specially Designed Instruction (SDI) to meet your student's needs according to the IEP. The services might look different. For example, speech therapy might be provided through telehealth instead of in person. If your school has not contacted you about your student's IEP, **call them and ask for an IEP meeting.**
- If your school isn't providing a service that your student usually receives at school, contact them.
- If your student is getting the same school work as everyone else, but the work is not at the right level for their academic IEP goals, contact the school and ask that this be changed.
- The laws about special education (IDEA) are not changed. Do not agree to let go of your rights under the IDEA. Letting go of rights is called a waiver. **If your district asks you to sign a waiver, do not sign it.** Talk with an attorney.

### Focus on not going backwards or losing education!

- The school might not be able to meet all of your student's needs right now. Focus on asking for the services you need the most to prevent losing what your student has learned.
- Districts need to provide related services like speech, ABA, OT/PT, nursing, mental health, and other social/emotional learning. They also need to provide you technical support for remote education and telehealth sessions for supportive services.
- **Compensatory education**— services to make up for what is lost during this closure— is most likely going to come later. You don't need to figure out what that looks like now. But don't waive your right to compensatory education, let the district shorten the minutes of services, or take out goals or other parts of the IEP.
- Your student may be able to get an **Extended School Year (ESY)** if they are likely to lose more education over the summer. You should ask about this now.

### Write down and track what is happening!

- You should **write down all contacts with the district** about their special education services.
- You should also **write down how your student is doing** now, any progress during school closure, and any regression, or loss of education, you see. You can use video, photograph, notes or logs to show any progress or regression.

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## Special Education – Temporary Changes

Free Appropriate Public Education (FAPE) is still required, but different ways of providing services are allowed.

### Limit/avoid official changes to the IEP, which are called IEP amendments!

- **You do not have to agree to amend, or officially change, the IEP goals or services to reflect the school's limitations.** For example, don't allow 300 minutes a week of Specially Designed Instruction (SDI) in math to become 60 minutes a week just because the special education math teacher can only meet with your student for 60 minutes every day during school closure.
- You might need IEP amendments to add services that your student needs now, because of school closure (like additional therapy or social/emotional support). That doesn't mean you have to agree to any cuts to other services.
- Even if the school says changes are just temporary and that they cannot follow the IEP right now, **object to changes to the actual IEP** and ask that your objections be recorded in a prior written notice.

### Remote Learning Plans are useful (as long as they are not made into IEP amendments)!

- The IEP team should meet to talk about how to follow the IEP during this time. If your student's IEP team has not reached out to you, you should call them and ask for a virtual meeting.
- **Remote Learning Plans**, or sometimes called **Continuous Learning Plans**, are useful to show how the school plans to meet your student's needs. This document should tell you how often the student will meet with special education teachers or therapists and how those meetings will go.

### Technology can help – Be creative and ask for any technology you need!

- The school might not have offered your student all the technological support that they may need. Some resources you may request are:
  - ✓ Speech-to-text software, which takes words that are spoken and changes it to written text (instead of notetakers or peer notes)
  - ✓ Translation services (especially for parents who do not speak English)
  - ✓ Screen reader software that can read text on the screen out loud to the student
  - ✓ Having sign language or captions during any lectures by teachers
  - ✓ Free skill-building software like Kahn Academy

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## English Language Learners (ELL)

Even during the shutdown, schools must make sure that ELL students can learn. Reach out to your school and make sure that they are providing equitable education for ELL students.

- **You should still be in ELL classes.** The quality of your ELL class should not change. Schools should adjust how they are teaching ELL students to find new ways of connecting with them virtually. If your school is using technology, ask that they give you materials in the student's first language. Ask for one on one support or tutoring to practice your language skills. Ask the school for someone you can call if you have questions about ELL help.
- **You should still be able to learn in your non-ELL classes.** Ask your teachers in non-ELL classes to give you materials or assignments in both languages. Don't be scared to ask for more time or help on work if you need it.
- **Ask your school for a plan to support you.** You can ask the school for a continuous language learning plan. The plan can set goals for the student and explain how the school will help the student reach those goals.
- **The school should use your preferred language.** Ask the school for interpreters. The school should also give you any written information in the language you need. If your school is using technology, ask for translating software and help to use that technology.
- **The school cannot ask about your legal status.** If your school asks about your immigration status, do not answer.

More information found at:

- [OSPI Recommendations to Districts on Supporting ELL & Bilingual Students \(4/27/2020\)](#)
- [OSPI Continuous Learning – Section Focused on ELL students \(Pg. 38\)](#)
- [English Language Proficiency Standards](#)
- [OSPI English Language Proficiency Testing](#)

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## Supporting Non-English Speaking Families

All parents have the right to information about their child's education in a language they can understand. This doesn't change during the coronavirus crisis.

- The Washington Office of Superintendent of Public Instruction (OSPI) recommends that districts use translation services for non-English speaking families. **So if a family does not speak English, the district should communicate using the preferred language.**
- **Districts should send information in community languages.** Schools should consider how to get resources in the families' preferred languages; how they will use interpreters to communicate with families; and what to do if interpreters aren't available.

**Work with your school and an interpreter to create a communication plan.** Share with the school what you might need, including any translation services, to help your child learn at home.

- If the school refuses to translate, show them [what the state says](#) and remind them that it is their responsibility to work with you in a way that you can understand.
- You might want to find a family member, friend, or another trusted person who can translate for you to talk with the school.

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