

Learning During a Pandemic:

A BACK TO SCHOOL GUIDE FOR
PARENTS, EDUCATORS, AND STUDENTS

NYCLU



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This report was written by Aliyah Ansari, Lanessa Chaplin, Stefanie Coyle, Kymesha Edwards, Jake Martinez, Juan Miguel, Kenny Nguyen, JP Perry, and Toni Smith-Thompson. It was edited by Johanna Miller and Simon McCormack. Special thanks to David Rufus and Joseph Salvatore. Design and layout by Astrid Da Silva.

Introduction

As we reach the end of summer 2020, there has never been less certainty about our school system.

Governor Andrew Cuomo announced on July 13 that regions in Phase 4 of the New York Forward re-opening plan can move ahead with plans to reopen schools for in-person instruction. But the practical impact of that announcement is unclear to many families. Is returning in person required? Will transportation be available? Will classrooms be safe?

Guidance from the State Education Department (SED) offers few answers. The guidance published in July encourages schools to provide all the right things—restorative and trauma-informed practices, an extended orientation before academics begin, access to devices and high-speed internet at home—but neither SED nor the state legislature is providing extra funding to school districts to make those things happen. Due to widespread austerity budgets, uncertain enrollment, and outstanding questions about health and safety, the gap between what SED says districts “should” provide and what districts will actually provide is massive.

At the same time, New Yorkers have never been more aware of racial inequities across our public systems. These have been laid bare by the pandemic, and nowhere are they more evident than in the school system. New York’s schools have been defunded and deeply racially segregated. The challenges are immense, and the pathway out of systemic racism is a long one. Yet some school reopening proposals recreate and worsen inequities right at the moment when New Yorkers are poised to demand better. For example, the New York City mayor has indicated that students who attend more crowded schools will have less access to in-person instruction.

This back-to-school guide is a collection of the best factual information we could find about health and safety for students and educators, and information about students’ and parents’ rights in certain situations. We hope it helps you navigate some of your most pressing questions, and hold school districts accountable for meeting your needs.

It’s clear we simply can’t “go back”. We need to instead move forward, into a future that is more equitable for everyone. So, where the law doesn’t make a guarantee, this guide also includes information about how to advocate for better protections and more inclusive policies in your own district, or how to join an existing campaign. We hope this resource is helpful to students, parents, and educators across the state; we hope it can answer some questions you have, and help you find the space to make a difference.

In many places, we provide links to the work of our partners and to some government agencies. Please be aware when you are clicking away from our site that we do not control that information. Additionally, as circumstances are evolving rapidly, please double check with local sources, particularly for information about COVID-19.

This back-to-school guide is meant to inform and inspire, as New Yorkers contemplate what it means to “go back”. If you are a K-12 student looking to get more involved in social justice issues, please visit nyclu.org/youth for information on our youth programs. If you have questions or comments about any of the information provided here, please email schools@nyclu.org.

If you see schools not following state or city guidance, contact schools@nyclu.org.

Health and Safety

The health and safety of the school community is of the utmost importance. Before a school can reopen, either in-person or in a hybrid model, it must adopt a [COVID-19 safety plan](#), pursuant to guidance from the New York State Education Department (NYSED), New York State Department of Health (DOH), and the [Centers for Disease Control and Prevention \(CDC\)](#). While many people may find the [state guidance](#) hard to follow, each district has to post its plan on its own website, so you should be able to find and review it. NYSED has also posted an updated [FAQ](#) for the latest information on reopening guidelines. The state is not requiring school districts to reopen in person.

Schools are required to take the following measures:

- Designate a COVID-19 safety coordinator.
- Enforce healthy hygiene practices, including posting signs for social distancing, and instructing students on proper handwashing and how to use a cloth face covering.
- Provide personal protective equipment (PPE) for staff and have enough masks available to provide to students who don't have them.
- Clean and disinfect classrooms and other common areas. This includes using US Environmental Protection Agency (EPA)-approved sprays on all surfaces. Surfaces touched or used by multiple people must be cleaned frequently. Your school must keep a log of the date, time and scope of cleaning for each area in the building.
- Conduct mandatory health checks and screenings for anyone entering the building. This includes daily temperature checks for everyone and health surveys that ask specific questions about health status and COVID-19 exposure. Health surveys are required daily for staff and "periodically" for students.
- In the case of a person showing symptoms of COVID-19, having a fever, or having a positive test, the school must have a protocol to immediately isolate the infected person and protect the school community. Some school buildings are designating "isolation rooms" for students who test positive or show symptoms. This may mean shutting down the physical building again.
- Create a protocol for students to take mask breaks.

These preventive measures are the minimum practices school officials, parents, and students must take before allowing any person into the school building, but localities may do more. For more information about required practices, see [NYSED's reopening guidance](#).

We do not believe students should be punished or [denied access to their education](#) for forgetting their mask or not wearing it properly. School districts should provide masks and should have reminders for kids on how to wear them properly, rather than taking a punitive approach. Learn more and [support our campaign](#) calling for a moratorium on out-of-school suspensions in the 2020-21 school year.

Additionally, your school might take the following steps:

- Adopting a staggered schedule or holding classes in non-traditional locations like gyms, cafeterias, libraries, or other locations in order to permit social distancing.
- Limiting the number of students allowed to return in person.
- Requiring a written health screening survey from each child (often this will need to be filled out by a parent) each day they are attending in person.
- Requiring gloves to be worn.
- Limiting bus routes or encouraging families to find their own transportation.
- Canceling certain activities like indoor physical education, music or choral classes, and communal lunch.

HIGH-RISK INDIVIDUALS AND STUDENTS WITH SPECIAL NEEDS:

- If you think you or a member of your family is in a [high-risk group](#), notify your school immediately. NYSED has recommended that people from these populations may need to continue to attend school remotely. Those at high-risk include pregnant individuals, people 65 or older, and individuals with underlying health conditions.
- The same applies for educators: if you are a teacher and have an underlying health condition or are unable to return to work due to possible high-risk status, you should notify your school immediately.
- If your child is unable to maintain social distancing and/or safe hygiene practices, they may also be considered high-risk. Careful attention should be paid to how these community members return to the classroom; we recommend you stay in close contact with your special education teachers, administrators, and appropriate district personnel about your/your child's needs.

KEEPING STUDENTS AT HOME:

Schools should take all actions necessary to ensure that students are able to learn, regardless of whether they are in-person or remote. If you are a parent and do not want your child to attend in person, you should contact your school directly and find out what plans are in place for hybrid learning. For students in New York City, you have the [option to attend school remotely](#) at any point during the school year; once you are remote, you must [give two weeks' notice](#) before you can return to in-person instruction.

Ensuring student health and safety in the midst of the pandemic is critical for schools and the broader community.

There are a number of health and safety resources available at the NYSED website for parents, teachers, and students [available here](#).

Food Access

One of the most significant and troubling impacts of the pandemic is the dramatic rise in food insecurity. For young people who rely on their school in order to eat, there is good news: most New York schools [will offer meals](#), including breakfast and lunch, for young people and their families for the fall semester.

Families should visit the New York State Education Department's website for more [general information](#) about food access, your school district's website for local plans or, in New York City, the DOE's [school food website](#).

NYSED has issued guidance for school districts regarding meals throughout the duration of the pandemic and for the upcoming academic year.

- School Food Authorities (SFA) are required to meet the needs of children who rely on the two meals a day served at school (students on free and reduced lunch plans). The majority of schools in the state are considered part of this program, because they receive some federal funding to provide food to students. [This includes students attending school remotely](#).
- The district/school must make sure that all health and safety guidelines are met, including proper hand washing and food preparation.
- Schools and their districts must make sure that eating stations are sanitized properly after each group is in a common area.
- It is the school's responsibility to communicate how and when the meals will be distributed, in a language families understand. If you are a parent, student or community member, contact your school district for more information about where to pick up meals during the school year. You can also go to NYSED's [Child Nutrition Knowledge Center](#) for more information.
- If your school district is not providing meals to students and families, there are other options, including community-based centers and nonprofit organizations. For assistance with food insecurity in New York, visit Hunger Solutions' [resource page](#).



NEW YORK CITY:

In New York City, there are more than 400 “Meal Hubs” in each of the five boroughs where you can grab-and-go from 7:30 a.m. to 1:30 p.m., Monday through Friday.

Families can grab a meal between 7:30 a.m. and 11:30 a.m. and adults can do the same from 11:30 a.m. to 1:30 p.m.

- No one will be turned away from a meal. You can pick up multiple meals at a time, and there are vegetarian and halal options.
- Parents and guardians can pick up meals for their children, but there are no dining spaces. Meals must be eaten off of the premises.
- No registration or identification is required.

To find your “Meal Hub,” visit New York City’s [free meals page](#).



Internet Access

The internet is a basic requirement for New York students to get an education. This was true before the COVID-19 pandemic and is even truer now as students and families face the possibility of continued remote learning in the fall. But a surprisingly large percentage of the U.S. population does not have reliable access to internet. **New York is no exception.**

In New York City, millions of New Yorkers [don't have broadband internet access](#) at home. Thousands of New York City homes without broadband are forced to rely on cell phone data plans to connect to the internet. In the rest of New York State, particularly in rural areas, inadequate access to internet is a pervasive problem. [Governor Cuomo](#) has invested millions of public dollars into increasing accessibility; but even [where connectivity is available](#), many simply cannot afford it. In our [statewide survey](#) about remote education, we found that in over 50 school districts across the state, more than 25 percent of district residents did not have internet access.

This problem is significantly worse in Black and Latinx communities. About 30 percent of Latinx and Black New Yorkers lack broadband internet access, compared with 20 percent of white New Yorkers, and [research demonstrates](#) that internet access falls as neighborhood poverty rises.

The lack of reliable internet [detrimentally impacts students' ability](#) to learn remotely, especially if students live in homes [without internet](#) or without [enough devices](#) for all school-age children. The students who will be [most impacted](#) by this are Black and Latinx students and students living in low-income households across the state.

Looking ahead to a year when school will be conducted at least partially online, it is vital that New York steps in to provide access to reliable internet and enough devices for all students. This task is too complex, too essential, and too expensive to be left to the patchwork of what districts can provide. Further, leaving it to districts will undoubtedly deepen inequities that already exist in school funding and services.

WHAT DOES NEW YORK LAW REQUIRE?

All children in New York, under the age of 22, have the right to an education. If virtual classrooms are the only way for districts to safely deliver education, then all students must be guaranteed access to those virtual spaces. It is not adequate for families to have to seek out [public Wi-Fi in their communities](#), such as that provided by restaurants or public libraries.

The New York State Education Department (NYSED) [guidance](#) recognizes that students and teachers having sufficient access to devices and high-speed internet is essential for educational equity. NYSED recommends that schools determine the level of internet access that all students and teachers have in their place of residence, and to the extent practicable, address this need by providing students and teachers the necessary devices and internet access to adequately learn remotely. NYSED also recommends schools provide instruction on how to use technology and provide IT support to educators and families as needed.

WHAT CAN YOU DO?

If you are a student or parent and do not have reliable internet access or the devices you need to participate in remote learning, you should contact your school to request a device. You can request that your school provide you or your child with internet access via a data connected device (such as a tablet that does not require Wi-Fi to connect to the internet) or an internet hotspot, pursuant to NYSED's guidance. It may also be helpful to contact your district's Board of Education to request that the district commit to providing all students with technology and internet access. You should also call your state legislators and contact the [State Board of Regents](#) to demand universal broadband.

If you have been denied access to a device or reliable internet connection, please contact us by emailing schools@nyclu.org or calling 212-607-3300.

**Inadequate internet access should not stand
between a student and their education.**

Online Privacy

Many of the technologies required for remote learning, including hardware, software, internet services, and educational learning platforms, are capable of collecting [massive amounts of private, personal information](#) from students and spying on them using surveillance technologies. In fact, for some “free” platforms, collecting and even selling user data is an integral part of the business model. Students must not be required to consent to being spied on or surrender their privacy as a condition of receiving a remote education during the COVID-19 crisis.

All students must feel safe to learn remotely, and that simply cannot happen if the tools used for remote learning are allowed to collect information to generate future income or for other non-instructional purposes. The use of student personally identifiable information for financial gain would also directly violate New York State’s [student privacy law](#), Education Law § 2-d. N.Y. (Educ. Law § 2-d(3)(b)(1); 8 NYCRR § 121.2(a))

To ensure protection of you or your child’s data and the data generated from anyone in your household who uses either a remote learning platform or a school-issued device, you should take the following steps:

Ask your school district whether the privacy policies for each remote-learning platform comply with

1. N.Y. Education Law §2-d,
2. the Family Educational Rights and Privacy Act ([FERPA](#)) (20 U.S.C. § 1232g; 34 C.F.R. Part 99), and
3. the Children’s Online Privacy Protection Act ([COPPA](#)) (15 U.S.C. § 6501; 16 C.F.R. Part 312).

Education Law 2-d requires that any contracts between the school district and the company providing the platform, as well as a [parent bill of rights](#), be available on your school district’s website.

Review the privacy policies for each platform your child is using for the following (or ask your school district):

- Authorization to collect, use or retain any private, personal information (including, but not limited to personally identifiable information (“PII”)) about a student or their family members. Ideally, this authorization would not be part of the policy for educational technology, unless doing so is directly necessary for the platform’s remote learning functionality.
- Requirement for companies to promptly expunge all the PII and any other information they gather, generate, or derive from the use of these technologies when your use of the tool ends (unless you opt in to their retention of the data).

- Requirement that none of the data be shared with third parties unless directly required for the provision and functioning of the service.
- Whether there are any surveillance features to the platform, including communications and social media monitoring, search term and browsing history monitoring, keyword alerts, surreptitious access capabilities including video and audio surveillance, keyloggers, location tracking, facial recognition and other biometric identifying capabilities, and website filtering functions. If so, these functions should be removed or disabled.

These privacy protections should be applicable to student information whether we are in the midst of a public health crisis or not. But at a minimum, they should be mandatory while the use of remote learning tools is, for all practical purposes, compulsory.

School districts should assume that, if they are providing a device to a student who doesn't have one at home, other people in the family will be using the device as well. For that reason, we recommend that school districts create a policy of not saving or reviewing records of browser history or downloads on loaned devices. People may be using these devices for banking, medical, and other private needs. If you or your child are using a device provided by the school, check the use policy for [privacy protections](#). The ACLU has also developed a [model privacy policy](#) for such devices.

Additionally, we recommend that schools and educators do not require students to turn on their web cameras or use [proctoring software](#). As an alternative, we recommend schools allow students to use virtual backgrounds and blurring features to retain their privacy. Students may not want to show their home learning environment, or they may want to protect the privacy of parents, siblings or other people in the home. They may be homeless or participating in remote learning in a public space to access adequate Wi-Fi. Students should never feel obligated to virtually broadcast their remote learning location.

Further, schools should never remotely access webcams on loaned devices to [monitor students in their homes](#).

**Technology is critical for helping students learn during the pandemic.
But its necessity is not an excuse for sacrificing student privacy.**

Early Childhood Education

For the youngest learners – and their parents – remote and hybrid instruction can be the most challenging. Sitting at a computer for hours at a time may be virtually impossible for students in early grades – and is not recommended for their [brain development](#) or [eye health](#) – and lack of access to familiar routines, teachers, and classmates can be even harder on them than older kids. For these reasons, [experts recommend](#) schools prioritize a return to in-person instruction for elementary-aged students.

The New York State Education Department has encouraged school districts to [prioritize in-person classes](#) for students who will benefit the most, including English Language Learners, Special Education students, and younger students. But whether in-person or remote, special considerations must be given to meet the needs of our youngest students.

Suggestions for Young Learners and Their Families:

[All school districts are required](#) to instruct students on proper handwashing and how to use a **cloth face covering**, which will be especially important for younger children. No child should be denied access to a school building or class because they forgot to wear a mask or are wearing it improperly. It is the school's responsibility to provide extra masks and ensure children are able to use them correctly.

For in-person learning, ensure that your school district has a protocol for mask breaks, which are necessary for younger students.

- Likewise, for young learners participating remotely, screen breaks should be incorporated into each class.

Like all students in New York, young kids may have experienced trauma during the height of the pandemic. They may have experienced the death or prolonged illness of a primary caregiver, they may be struggling with food or housing insecurity, or they may have been exposed to abuse in their home. This is especially true for Black and Latinx children, and, left unaddressed it can exacerbate existing inequities. NYSED recommends that school districts pay special attention to meeting the [social-emotional needs](#) of all students this year by providing access to counselors and other supports.

TAKE ACTION

The NYCLU and many other groups are calling for a moratorium on out of school suspensions in the '20-'21 school year. No student should miss any more class time than they already have, and this is especially true for elementary students, who need to be able to learn from their mistakes. For several years, [we have advocated for a ban on suspensions in Pre-K through third grade.](#) **Urge your school district to eliminate exclusionary discipline this year.**

Young students may have lost more learning during the state's shutdown period than older ones. NYSED recommends schools consider an extended [orientation period](#) at the beginning of the year to assess learning loss and students' emotional needs, and to acclimate students back into the school environment.

A critical aspect of early childhood education involves the incorporation of [center-based and small-group learning](#) and the use of manipulatives – like counting bears, or building blocks – to help young students learn. School districts are recommended to provide these non-screen remote-learning materials for young people who cannot participate in in-person instruction. Contact your school for information on these materials.

Early childhood education is an incredibly important investment, not just for students but for the future of our economy and our state. Meeting the unique challenges posed by the pandemic is paramount for young people at this critical stage in their development.



Homeless Students and Families

As schools are thinking of how to reopen, it is important for students and families experiencing homelessness to know their rights. This is especially true for students and families who are experiencing housing insecurity and homelessness for the first time because of the COVID-19 pandemic.

Students who are experiencing homelessness have certain educational rights established under a federal law called the [McKinney-Vento Act](#) and are known as McKinney-Vento students. The McKinney-Vento program was created to lessen the obstacles that homeless children and youth face in enrollment, attendance, and overall success in school.

Under the McKinney-Vento Act, homelessness is defined as children and youth who lack a fixed, regular, and adequate nighttime residence. This includes children and youth:

- Sharing housing due to loss of housing, economic hardship, or a similar reason
- Living in emergency or transitional shelters
- Whose primary nighttime residence is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings
- Who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless because they are living in circumstances described above.

Every school district must have a [liaison](#) who works with schools and parents to ensure that homeless students receive adequate support. You can look up who the liaison is for any school district in New York State [here](#). For New York City, you can find their information [here](#).

SCHOOL ENROLLMENT

- **Do not worry if you don't have or can't find documents such as a birth certificate or proof of address.** School districts are required to enroll students experiencing homelessness *immediately* even if they do not have the necessary documents, and students must be allowed to attend classes while those documents are being collected.
- **Enrolling schools are required to obtain the student's records from their previous school.** Students must be enrolled in the interim.
- **McKinney-Vento liaisons are required to assist students** in obtaining immunizations or their immunization/medical records if they do not have them.
- If a school will not let you or your child enroll because of a lack of documentation, contact NYSTEACHS at [800.388.2014](tel:800.388.2014) or info@nysteachs.org. Or email us at schools@nyclu.org.

SCHOOL ATTENDANCE

- Students are permitted to continue attending their school of origin during the length of their homelessness, even if they are staying outside of the district. Students would only have to switch schools if they moved into permanent housing that was outside the district, and not until the end of the academic year after they moved.
- School of origin means the school that the child or youth attended when permanently housed or the school in which the child or youth last enrolled.
- School districts are required to keep students in their school of origin, if it is reasonable, unless it is against the parent or guardian's wishes.

TRANSPORTATION

- School districts are required to provide transportation to and from school at the request of the parent or guardian, even if the family has moved outside of the regular district area because of homelessness.
- For unaccompanied youth, this would be at the request of the school district's McKinney-Vento liaison.

SPORTS AND EXTRACURRICULARS

The McKinney-Vento Act requires school districts to ensure that a student experiencing homelessness who meets the eligibility requirements (i.e. academic and skill level) can fully participate in sports and other extracurricular activities, even if they do not meet the residency requirements (either because the student's temporary housing is outside district lines or because the student had to enroll mid-year due to homelessness).

If you or someone you know is experiencing homelessness, do not hesitate to talk to staff at your school. Schools are required to have information about the McKinney-Vento Act and the rights of homeless youth.

Special Education

Students with disabilities have been particularly hard hit by the coronavirus pandemic as schools have struggled to provide appropriate services to students in a remote setting. As this is likely to continue, it is important for families to understand the issues around the provision of special education services during remote learning.

Schools and districts are still required to provide a [Free Appropriate Public Education](#) (“FAPE”) to students with disabilities. For these students, access to technology is a critical tool to provide FAPE and the mandates of individualized education programs (“IEP”). Technology like [videoconferencing](#) [must be used](#) to provide services and supports, including one-on-one academic services and curricular modifications, speech and language therapy, occupational and physical therapy, mental health services, and sign language interpreters. And it can and should be used to conduct remote meetings of IEP and 504 teams with parental participation in the parents’ preferred language or mode of communication.

Given the constraints of remote learning, many students with disabilities will need additional or different supports to help them make progress. If needed, parents should ask to reconvene an [IEP meeting](#) to assess the student’s progress and any revision to their services to ensure that students receive the most appropriate services in the fall. Parents should provide specific input about the challenges their child faces during remote learning and any adjustments that should be made to services to help them succeed.

Parents should provide specific input about the challenges their child faces during remote learning and any adjustments that should be made to services to help them succeed.

Finally, parents should keep track of which services, including [related services](#), were provided during remote learning and should ask [whether their child is eligible](#) for compensatory services.

To the extent possible, parents should work in partnership with schools to ensure that their child’s needs and progress are clearly communicated and that the school is meeting its obligations under state and federal law. Students with special education needs are entitled to the support they need to succeed, even if school is remote.

The pandemic cannot be used as a reason to deny students with disabilities their right to a quality education.

Services for English-Language Learners

For New York students and families whose primary home language is not English, the pandemic and remote learning have been [especially challenging](#). English Language Learner (ELL) students and their families deserve to have equal access to a high-quality education. But many students are not receiving the services they need. We've received reports from many students and their parents that schools are not providing homework and letters from the school translated in their primary home language. If students cannot read homework assignments or important communications from the school, they can't fully participate in their education.

The transition to digital learning has also presented unique challenges for ELL students and their families. For many ELL students, it is necessary for them to see their instructor to fully comprehend a lesson or assignment, but some students do not have reliable access to the internet. And for any ELL student or family member who is an immigrant, remote learning problems are exacerbated by the economic stress many immigrant families currently endure because of loss of jobs or income related to the pandemic and exclusion from federal financial relief packages.

All students in New York are entitled to equal access to an education. Students who qualify for ELL and bilingual education services are [entitled to educational programs](#) that enable them to develop academically while achieving competence in the English language. [Parents whose primary home language is not English](#) have the right to meaningfully participate in their child's education, including the right to have a translator in critical interactions with the school.

If you are not receiving communications from the school in a language you understand, or if you are concerned your child is not receiving adequate support, contact the [ELL Parent Hotline](#) at (800) 469-8224 or nysparenthotline@nyu.edu. More information about your rights is [available here](#).

To learn more about this issue, and the challenges for returning to school this year, we recommend the [Roadmap to a Just Reopening & Just Schools](#) from Alliance for Quality Education (AQE).

The New York State Education Department's [reopening guidance](#) recommends that schools prioritize students from high-needs groups, including bilingual learners, when creating their back-to-school plans. It requires schools to:

- Provide support and instruction to all parents/guardians regarding the use of technology in their preferred language;
- Provide all ELL students with the support they need to catch up, given the learning loss that may have resulted from school closures or lack of internet access;
- Provide all ELL students the opportunity for full and equal participation whether in-person or remote;
- [Complete the process](#) of identifying ELL students within 30 school days of the start of the school year (for students who enrolled at any time after schools closed in March 2020, or during the first 20 school days of the 2020-21 school year).



The pandemic has created new obstacles for ELL students, but those obstacles should not prevent them from receiving the quality education they are entitled to.

Servicios para los Estudiantes que aprenden inglés (ELL)

Para los estudiantes y familias de Nueva York, para quienes el inglés no es su idioma principal, la pandemia y el aprendizaje remoto han sido excepcionalmente desafiantes. Los estudiantes ELL y sus familias merecen tener el mismo acceso a una educación de calidad alta. Pero muchos estudiantes no están recibiendo los recursos que necesitan. Hemos recibido informes de muchos estudiantes y sus padres que las escuelas no están proporcionando las tareas y las cartas de la escuela traducidas en el idioma primario hablado en casa. Si los estudiantes no pueden leer las tareas u otras comunicaciones importantes de la escuela, no se puede participar completamente en su educación.

También, la transición al aprendizaje digital ha presentado desafíos únicos para los estudiantes ELL y sus familias. Para muchos estudiantes ELL, es necesario que vean sus profesores para entender una tarea o una clase, pero algunos estudiantes no tienen acceso seguro al Internet. Y para cualquier estudiante ELL o familiar que sea inmigrante, los problemas de aprendizaje remoto están exacerbados por el estrés económico que muchas familias de inmigrantes soportan debido a la pérdida de empleos o ingresos relacionados con la pandemia y la exclusión de los paquetes federales de ayuda financiera.

Todos los estudiantes en Nueva York tienen derecho al mismo acceso a una educación . Los estudiantes que califican para acceder a los servicios educativos de ELL y educación bilingüe tienen derecho a programas educativos que les posibilitan desarrollar académicamente mientras logran competencia en el idioma inglés. Los padres cuyos idiomas primarios no son inglés tienen derecho a participar de manera importante en la educación de sus niños, incluyendo el derecho a tener un traductor en las interacciones críticas con la escuela.

Si usted no está recibiendo comunicaciones de la escuela en un idioma que entienda, o si usted está preocupado de que su niño no esté recibiendo el apoyo adecuado, contacte la línea directa para padres ELL (800) 469-8224 o nysparenthotline@nyu.edu. Más información sobre sus derechos está disponible [aquí](#).

El Departamento de Educación del Estado de Nueva York recomienda que las escuelas prioricen a los estudiantes de los grupos de alta necesidad, incluyendo los estudiantes bilingües, cuando crean sus planes para volver a la escuela. Requiere que las escuelas:

- Proporcionar apoyo e instrucción a todos los padres/tutores sobre el uso de la tecnología en su idioma preferido;
- Proporcionar a todos los estudiantes ELL con el apoyo que necesitan para ponerse al día, dada la pérdida de aprendizaje que puede haber resultado de los cierres de escuelas o la falta de acceso a Internet;
- Proporcionar a todos los estudiantes ELL la oportunidad de una participación plena e igual, ya sea en persona o remota;
- Completar el proceso de [identificar los estudiantes ELL](#) dentro de los 30 días escolares del inicio del año escolar (para los estudiantes que se inscribieron en cualquier momento después de que las escuelas cerraron en marzo de 2020, o durante los primeros 20 días escolares del año escolar 2020-21).

Para aprender más sobre este tema, y los desafíos de volver a la escuela este año, recomendamos leer el [Roadmap to a Just Reopening & Just Schools](#) de la Alliance for Quality Education ([leer el resumen ejecutivo en español](#)).

La pandemia ha creado nuevos obstáculos para los estudiantes ELL, pero los obstáculos no deben impedirles recibir educación de calidad a la que tienen derecho.

Mental Health

During the pandemic, children and families suffered incalculable losses. Illness and death, economic insecurity, domestic violence, isolation, and the incredible fear of the unknown have changed the lives of so many New Yorkers forever. As schools begin to reopen, schools must provide resources to protect and heal students' social, emotional, and mental wellbeing.

The [reopening guidance](#) from the New York State Education Department addresses the need for schools to engage with students on social-emotional learning, trauma, stress, and drastic changes in life circumstances. Schools should not expect children to return to school with the same mindset, academic preparedness, emotional management, or skills that they left with. For many students, returning to school itself is terrifying and may trigger a trauma response.

The guidance mandates the following be included in a school's reopening plan:

- An up-to-date, comprehensive plan to provide counseling at both the building and district level; this plan is required to be developed under the direction of certified school counselors.
- Schools must establish an advisory council or collaborative working group to give feedback on the plan. The group should include families, students, school board members, school building and district leaders, community-based service providers, teachers, counselors, school social workers and school psychologists.
- An explanation of how schools will provide mental health, behavioral, and emotional support services and programs.
- Professional development opportunities for faculty and staff on how to talk with and support students during and after the ongoing public health emergency. Schools must also help students, faculty, and staff develop coping and resilience skills.

In addition, New York State law requires schools to educate students in grades K-12 on the importance of mental health. For more information about this requirement you can visit the website of the [School Mental Health Resource & Training Center](#). In addition, there are dozens of resources available for educators, parents, and young people at the website of the [New York State Center for School Health](#).

Finally, the New York State Office for Mental Health has resources available for [children and families](#).

For some students, mental health, emotional, or behavioral disabilities such as anxiety or depression may make it impossible to learn without targeted supports. These students may qualify for the additional supports offered through an [Individualized Education Plan](#) (IEP). If you suspect you or your child would benefit from an IEP, you can request an evaluation from your school – see our Special Education overview. With an IEP, both the parent and student are guaranteed [certain rights](#).

FOR STUDENTS AND FAMILIES IN NYC

Prior to school closings in March, [every public school in New York City](#) should have been offering mental health services to their students. These resources varied in every school, but if you/your child attend school in New York City, you should have one of the following offered at your school:

- Community School Mental Health Program
- School Mental Health Prevention and Intervention Program
- School Mental Health Consultant Program
- The 100 Schools Project
- School Response Team Programs
- School-Based Mental Health Clinics
- School-Based Health Centers with Mental Health Services

Often, families do not have to pay for school services. However, certain services like treatment may need to be paid for. It is important to ask your school mental health program what, if any, fees there may be. If you have health care insurance, it may be billed for those services. And if you don't have health insurance, your school mental health program may be able to help you get it.

If you or your child are not returning to school in person, you can also access [tele-health support](#) through the City's Department of Education.

If you feel that your child would benefit from your school's mental health program, you can contact your Parent Coordinator, School Social Worker, or Guidance Counselor to get more information.

The physical toll of the pandemic is immense, but its mental impact should not be underestimated. Schools have an important role to play in making sure students, faculty, and staff have the resources they need to deal with these challenges.



School Discipline

In New York State, everyone younger than 21 who does not have a high school diploma has the right to attend a public school. This right is protected by our state constitution, whether you are attending school in-person or remotely. When your school suspends you or your child, it is taking away that right for a period of time.

But there are rules that the school must follow.

You can learn more about your rights when facing a suspension [here](#).

As part of NYSED's reopening guidance, schools are encouraged to approach student discipline through restorative, rather than punitive, practices. School policies and procedures must focus on the academic consequences of lost instructional time. This means schools are urged to create policies and practices that keep students connected to their learning environment, which is critical to maintaining academic growth and supporting students' social and emotional learning. Restorative approaches are designed to help students understand their emotions and behavior and how it impacts themselves and others, in order to build and maintain meaningful relationships.

Through a commitment to restorative discipline practices, suspensions and other discipline that excludes students from their learning environment are to be used only in the most serious circumstances. New York State's [reopening guidance](#) outlines recommendations on restorative discipline practices.

Although restorative practices and alternatives to suspension are not required by the state, we believe that no student should miss any school unnecessarily this year.

Here are some ways you can ensure equitable discipline for all students in your school:

- Ask your school leaders to use restorative practices to respond to negative student behavior. Ask if they would consider a [moratorium on suspensions](#), given the extensive loss of learning time in the previous school year.
- If students are being excluded from online classes as a form of discipline, please contact us at schools@nyclu.org immediately. We may be able to offer legal assistance.
- [Support the passage of the Solutions Not Suspensions Act](#), which would change state law to reduce the use of suspensions statewide.

High-Stakes Testing, Grades, and Accountability

The COVID-19 pandemic has disrupted many of the [usual systems used to track and assess students](#). This has created many uncertainties for schools and families, but it has also provided an opportunity to reimagine these systems, which are significant contributors to New York’s deeply racially segregated classrooms and graduation rates.

As schools prepare to resume instruction this fall, reopening plans must give all students the best chance at continuing their academic, social, and emotional learning. This means prioritizing practices that are equitable, that actually meet students’ needs, and that keep students and families connected with their school communities. More than ever before, a one-size-fits-all approach to education and accountability will fail many children.

HIGH-STAKES TESTING

New York State [cancelled](#) the administration of the 2020 standardized English Language Arts and math exams and Regents exams because students had dramatically limited and unequal access to resources to prepare for and take these tests successfully. The state also waived the requirement that students take these tests to move to the next grade, and the requirement that high school seniors pass five Regents exams.

Cancelling exams this year opened up the conversation about whether high-stakes tests are the only or best way to assess student competencies or make determinations about grade promotion and graduation. The decision was made under circumstances where inequities were impossible to ignore, but the truth is these inequities always existed.

High-stakes testing [negatively impacts](#) schools, educators, and students in many ways: It narrows the curriculum because teachers are incentivized to focus on material that will be tested. Test scores are the basis for separating students onto different, often segregated academic tracks. Standardized testing harms students with disabilities and those for whom English is not a first language. It pushes good teachers out of the profession and incentivizes cheating. And it leads to equating intelligence with test performance.

New York is still proceeding with the plan that standardized ELA and Math, and high school Regents exams will resume in spring 2021. In addition, the state-mandated Specialized High School Admissions Test (SHSAT), which determines admissions into select high schools in New York City, remains scheduled for this fall. The NYCLU believes that there are smarter and more equitable ways to [measure student progress](#) and [determine admission](#), and that the state should move away from high-stakes standardized tests for good.

You can help by calling on your school district to apply for [a waiver](#) from standardized exams in 2021, and [contacting the Board of Regents](#) to ask them not to bring back the Regents exams in 2021. Parents also have the right to [refuse standardized tests](#) for their children.

Finally, you can call on your state legislators to repeal the [Hecht-Calandra law](#) that keeps the SHSAT in place. The SHSAT is a major reason that [very few Black and Latinx students](#) are admitted into the City's specialized high schools year after year. In New York City, many advocacy groups and the Mayor and Chancellor have all called for Hecht-Calandra to be repealed.

To learn more or to get involved in a campaign to end high-stakes testing, check out these organizations:

- [FairTest](#)
- [NYC Opt Out](#)
- [Teens Take Charge](#)
- [New York Performance Standards Consortium](#)

GRADING POLICY

NYSED guidelines give wide latitude to local school districts when it comes to grading policies during periods of remote and hybrid learning. Given this flexibility, the NYCLU recommends that grading policies adhere to the following best practices, which help ensure that the unequal impact of the pandemic isn't compounded by unrealistic expectations of children. Many districts, including New York City, opted for a [more flexible grading regimen](#) to allow students greater leeway in meeting standards during spring 2020.

In returning to school this fall, we recommend districts consider retaining grading flexibility to help prevent students, especially remote learners, from becoming frustrated and disconnected from school.

- Schools should avoid systems that, inadvertently, reward a student on the basis of their or their family's privilege. For example schools should not award points for students who have their web cameras turned on. Many students do not have a stable enough internet connection to support video conferencing, and even if they do, they may not be comfortable showing their home to teachers or classmates.
- All students should advance to the next grade.
- Transcripts that show a pass/fail or incomplete for classes during spring 2020 should not be held against students. Students may need extra time or guidance this year to demonstrate mastery of a topic.

- Students should only be graded on the [most essential](#) and fundamental aspects of a course, and teachers should consider [project-based assessments](#) instead of traditional exams to measure progress.
- The state has determined that students who turn 21 this summer may be eligible to return to school to [complete their education](#); we urge school districts to admit these students.
- NYSED recommends that all schools should plan for a transition period at the beginning of this school year, where students are given support and opportunities to make up for learning and socialization lost during remote learning and summer break. This is especially important for younger students.
- Schools and districts must [communicate any modified grading policy](#) clearly to all students and parents. Schools must make a commitment to students that they will explain this grading policy – especially if it deviates from the usual – as needed to school or college admissions offices, job recruiters, and other institutions where a transcript is needed.

The quality of instruction and many support resources that students depend on have decreased greatly during this pandemic. Many students are simply unable to learn as well when taking classes remotely, and when access to live instruction is limited. The grading policy during this stressful time should reflect flexibility above all, and serve the purpose of keeping kids engaged and on track.

The pandemic has thrown our lives into chaos and uncertainty. There is no roadmap for how to successfully educate young people in this unprecedented situation. But students still have the right to a quality education, and in New York there are many organizations and resources available to help students, parents, and educators to achieve their objectives, even under these trying circumstances. Please contact schools@nyclu.org if you are struggling with any of the topics in this guide.