

DIGNITY IN SCHOOLS CAMPAIGN SPECIAL REPORT

LESSONS LEARNED FOR REMOTE AND HYBRID LEARNING IN COVID-19 AND BEYOND



HUMAN RIGHTS GUIDANCE



HUMAN RIGHTS GUIDANCE

OCTOBER 2020



As schools and districts continue to wrestle with the difficult decisions surrounding the 2020-21 school year and all the different factors that must be weighed, there must be a fundamental commitment to protecting students' human rights. When we approach a problem with a human rights lens, we look first at what the needs of the people involved are, rather than starting from the status quo. The Dignity in Schools Campaign developed a [Model Code on Education and Dignity](#) to show how to create schools that keep protecting students' human rights at the center, whether we are facing a pandemic, a climate emergency, social uprising, or all of it at the same time as we have experienced this year.

This guide builds off of that work to examine how to apply these principles to learning in the 2020-21 academic year during the COVID-19 pandemic, with some of the specific adaptations that will be required under these circumstances to fully protect the human right to education for all students. It was developed with DSC members who raised concerns about what was going on in their schools. These recommendations apply to the school, district and state level and may be helpful for families and organizers to assess their local education plans and make suggestions for changes to those plans.



DIGNITY & SAFETY

HUMAN RIGHTS GUIDANCE

OCTOBER 2020

Dignity and Safety

School discipline and safety policies must be aimed at creating a positive school climate and supporting the social and emotional development of students. During the COVID-19 pandemic, schools must ensure that students who have experienced trauma have space to heal, that students have access to mental health supports and that schools do not pushout and criminalize students.

1. Address School Climate and Discipline Related to COVID-19

Schools should approach the 2020-21 school year with the knowledge that all students and school staff are currently experiencing trauma associated with the pandemic, and understand this will impact students ability to learn, focus and follow directions.

Adopt a trauma-informed approach that is sensitive to the impact of this on all students, and especially students who have a history of trauma.

Incorporate social and emotional supports and remote access to counseling and mental health services for students that access remote learning.

Harsh, exclusionary discipline should not be utilized to make students follow COVID-related policies. Rather than punishing students, school staff should work with students to build the understanding that it is critical for the health of the school community as a whole and each individual student's family to follow these protocols, and the grave consequences that can result.

Suspensions, expulsions, arrests or restrictions from online learning should be prohibited for the following things:

Not social distancing;

Absences or lateness (including to online learning sessions);

The camera not being on or using a background during online learning, students joining from locations other than home (outdoors, in public places, in cars, etc.) or anything happening in the background of the call that is not under the students control; and

Other minor disciplinary infractions - COVID-19 should not increase the severity of punishment for infractions (i.e. spitting or fighting leading to arrest because they are now higher risk activities).

Ensure that any students who were suspended prior to coronavirus are fully reinstated in school and receive access to all the same resources and protections described above to ensure they receive full access to remote learning.

Ensure that students who are expelled, previous to the pandemic or during, continue to receive educational instruction.

HUMAN RIGHTS GUIDANCE

OCTOBER 2020

Clarify what counts as an official absence from schools, and how many absences will lead to a truancy response. Try to work with families to avoid counting days as absences especially where families are unable to join school during the day but are attempting to keep up with school assignments at off hours.

SROs or school police should be removed from schools and no law enforcement personnel should be involved in school discipline.

Students should not be criminalized by local police, probation or any other law enforcement for not wearing masks or following other health or social distancing requirements.

Funds that previously went towards police in schools should be reallocated to provide needed support staff, services and supplies for schools, such as computers for remote learning, facemasks, hand sanitizer, soap, fans, and air purifiers.

Protect against increased policing, criminalization and surveillance of youth of color in their communities as schools are closed.

Prohibit surveillance, tracking or criminalization through the use of technologies and online platforms by school districts directly or third party partners.

Ensure that all distributed technology meets all hardware and software requirements necessary to handle digital learning platforms (such as Google Classrooms, Zoom, etc.), with a commitment to replace any technology that fails to meet these requirements.

Ensure that students' and parents/legal guardians' information is protected when using educational technology and online learning platforms, and that districts are transparent with, and accountable to students, parents/legal guardians and communities regarding how information will be gathered and shared.

Districts should post as guidance for families an accessible statement and description on data usage and sharing through district agreements and partnerships for online learning in addition to the use of edtech.

Maintain sensitivity around new issues that may be brought about by online learning, particularly that students and teachers can see into each others' homes.

Ensure that a respectful, welcoming climate is maintained by school staff despite these new challenges and that professional norms are maintained.

Be aware that students are coming from many different kinds of home environments and approach any concerns about neglect or abuse with an awareness of the negative impacts involvement in the child welfare system can have (and never require students to show their camera or background).

HUMAN RIGHTS GUIDANCE

OCTOBER 2020

2. Manage Health and Safety Precautions for In-person Instruction

Follow the CDC guidelines for the prevention of transmission of COVID-19.

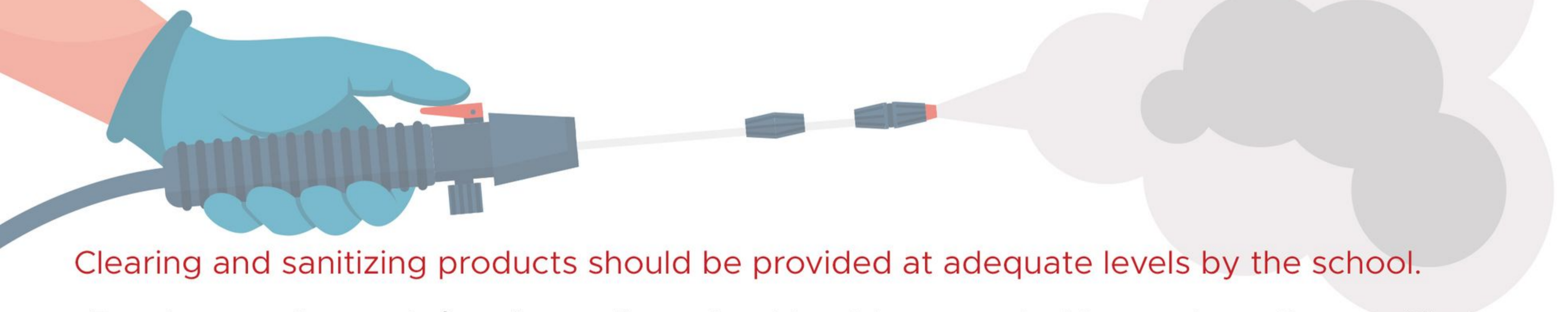
Allow families to opt-out of in-person instruction due to health concerns. No student should be forced to attend school in-person to receive instruction.

Even where the majority of students will attend school remotely, prioritize safe in-person instruction for a limited number of students who may require that support.

This includes students living in poverty or without access to the tools required for remote learning, students with disabilities, LGBTQ students who may not feel safe at home, families who speak a language other than English, students in foster care, students without housing, students experiencing abuse or neglect at home, and other historically marginalized populations.

Provide masks for students, teachers, all school staff, and any community member who enters the building.

Use all resources possible to limit airborne spread, including outdoor instruction, increased ventilation through open windows, fans, and updated HVAC systems, and using other buildings that are vacant due to COVID(including other schools) to allow smaller class sizes and space to social distance.



Clearing and sanitizing products should be provided at adequate levels by the school.

Teachers and parents/legal guardians should not be expected to purchase these critical items on their own. Where allowable, teachers should be reimbursed for any out-of-pocket preventives in the name of their own safety that were not provided or lapsed.

Schools and districts that are planning for in-person instruction should also have a full plan for remote learning both for students who opt-out of in-person schooling, and be prepared with multiple grade appropriate plans in the likely event that schools will have to close in the short-term due to covid cases at the school, and over longer periods of time if closure is mandated.

Different subject areas should integrate the pandemic into their lessons as age appropriate to help build that understanding as well. For example science classes talking about the science behind mask wearing and hand washing, math classes studying COVID-19 data, etc.

Districts should partner with local organizations to lead wellness check-ins on students who may need support or may be experiencing harm or abuse at home.

HUMAN RIGHTS GUIDANCE

OCTOBER 2020

3. Provide Access to Food and Other Safety Nets

Provide nutritious, good quality free breakfast and lunches (and when possible dinner) available for easy pickup in one bundled package that also includes critical supplies (masks, hand soap and/or sanitizer) as a part of that distribution. This may be families' main source of food so it is essential that full and balanced meals are provided.

Work with community organizations and other partners to gather resources for students and their families on issues that are likely to increase in need: free or low-cost mental health services, eviction prevention, help with accessing food stamps, unemployment or other forms of financial support.





PARTICIPATION

HUMAN RIGHTS GUIDANCE

OCTOBER 2020

Participation

Schools and communities must work together to create the methods, procedures and structures to guarantee the rights of students, parents/legal guardians and families, educators, communities and other stakeholders to meaningfully participate in decisions that affect their schools and the right to education.

1. Ensure Student and Parent Voice in Planning and Evaluation

Use multiple forms of communication and information gathering in order to get information from both parents/legal guardians and students themselves about what kinds of instruction will work best for them and their families.

Relying solely on email, online surveys or app-based methods to gather feedback may not work for those who have limited access or familiarity with technology, so always include individual phone calls and safe face-to-face contact (masked, distanced and outdoors if possible) in order to follow-up with families who are not responding to online prompts.

Continue to gather feedback from students and parents/legal guardians as the school year continues to see what improvements need to be made to meet their needs.

2. Center Safety for All Members of the School Community

Teachers and school staff should be a part of the decision making process and should be consistently given the opportunity to share feedback about how the process is going, what could be improved, and what urgently needs to change.

Non-teaching school staff can provide extremely important information about health and safety in the school building and their perspective should be proactively gathered, including custodial staff.

School staff who are at high risk of complications or death from COVID-19 (or share a home with someone who is) should have the option to work remotely.

If the number of staff who opt out of in-person teaching is not sufficient to fully staff the school or district, additional staff must be hired or the school cannot open in-person (except for the students who require in-person learning, see above for more information on students most in need of in-person learning environments).

A portrait of a young woman with dark skin and long, dark braids. She is wearing a red t-shirt with a pattern of black letters and symbols. The background is dark and out of focus. The text "RIGHT TO EDUCATION" is overlaid in white, sans-serif capital letters.

RIGHT TO EDUCATION

HUMAN RIGHTS GUIDANCE

OCTOBER 2020

Right to Education

To guarantee the human right to education, schools shall provide all children and youth with the learning tools and content necessary to reach their full potential, to participate fully and effectively in a free society, to live and work in dignity, to improve the quality of their lives, to make informed decisions and to continue learning throughout life.

1. Commit to Serving All Students and All Families

During the pandemic and always, protecting students' human right to education means that no students or families can be left out.

Planning should start by thinking of the needs of the most marginalized students (including students of color and Black students in particular, students living in poverty, students with disabilities, LGBTQ students, families who speak a language other than English, students in foster care, students without housing, and other historically marginalized populations) and build from there.

It cannot be an option to deny access to education for any student due to logistical challenges, especially those related to marginalized identities of the student or their families.

Implement culturally relevant and accessible curriculum, teaching methods and services, that also address the challenges of ongoing remote learning strategies under COVID, including:

Ensure that content and delivery of material is culturally competent to the members of the school community, including taking the opportunity to invite speakers and utilize a variety of audio-visual components that are possible due to remote learning.

Continue to hire and support teachers that reflect the demographics of students and the communities they live in.

2. Assess Reopening Using an Equity Lens

If the re-opening plan requires parents/legal guardians to have specific resources, extra money to purchase supplies or hire tutors, or to be available for continuous 1-1 assistance during the school day to facilitate remote learning, all families will not be able to fully participate and the end result will be inequitable outcomes for students.

Give all students the technology and supplies needed for remote learning throughout the duration of this crisis, (including needed computer equipment, software, internet access and any other requirements). There should be a plan for this even if the goal is to be in-person as this is likely to change at some point either due to another full lockdown or a temporary closure due to positive cases.

Students that receive digital technology to facilitate online and distance learning should be able to keep it. It will be a long time before there is not some threat of schools shutting down and going fully remote again, and if families are expected to replace equipment, that may be a financial burden they are unable to take on.

HUMAN RIGHTS GUIDANCE

OCTOBER 2020

Guarantee that students who don't have internet access at home do not have to pay to access their schoolwork, such as by creating a Memorandum of Understanding (MoU) with Internet Service Providers (ISPs) to provide free internet access, at a minimum of 50 mbp/s speed for all households at no-cost. Coordination between the ISPs should be happening on a state level, as individual schools and districts likely do not have the infrastructure and resources to set this up themselves.

Provide training and assistance for teachers, parents/legal guardians and students on all tools, accounts, apps, and other technology that will be used in the virtual classrooms and online learning.

Guarantee multilingual access, including the translation of all materials and resources (including hotlines) developed in response to COVID-19 for families who speak a language other than English, into commonly spoken languages in the school community.

For working parents/legal guardians, single parents/legal guardians, essential workers and other types of families who will be unable to stay home during the school day to facilitate remote learning, accommodations must be made to ensure that students receive adequate instruction and supervision during the day.

These accommodations may include providing alternative locations like community centers where students can go during the day to log-on to remote learning, and funds for parents who will have to quit their jobs in order to care for their children during the day. Funds for these programs should come from divestment from law enforcement in schools and other non-education related funding.

3. Address Academic Access and Losses Within the Next 2-3 Years

The impact of the loss of learning time students will have experienced by the end of the pandemic will be enormous, and planning for how to address that should begin now.


Schools, teachers, districts and states should not be penalized for the loss caused due to the pandemic, rather the focus should be on providing additional supports and resources.

Reliable data collection must begin now and continue after the pandemic documenting the needs of each student to create a robust individual education plan and the tools for teachers to meet those needs.

Schools, students and teachers cannot be deemed as failures during this stressful situation in education. We recognize that poverty and other barriers were already at work in creating academic gaps. School districts cannot be asked to do more with less.

Provide access to services, summer schooling and other strategies to ensure that all students make up for lost learning, targeting resources in particular for those students with limited or no access to technology, students with disabilities, English Language Learners, homeless students and students in foster care.

Increase federal funding for education, including funds to ensure that all students receive the supports needed to make up for lost learning as a result of the COVID-19 pandemic and have access to mental health and other services.

A young woman with dark skin and short hair is the central figure. She is wearing a grey hooded sweatshirt under a dark jacket with a fur-lined hood. She is sitting in a stadium with rows of empty seats visible in the background. The lighting is dramatic, with a strong yellowish-green glow from above and a red light source from below, creating a high-contrast, somber atmosphere. Her expression is serious and contemplative as she looks directly at the camera.

FREEDOM
FROM
DISCRIMINATION

HUMAN RIGHTS GUIDANCE

OCTOBER 2020

Freedom from Discrimination

In order to protect all students' human right to an educational system that supports their full development, school systems must take steps to eliminate all forms of discrimination based on race, ethnicity, sex, gender identity, sexual orientation, language, national origin, religion, disability, economic or other status. School systems must engage the students, parents/legal guardians and communities most impacted by discrimination in identifying solutions to ensure equitable access and outcomes in education. Schools must be culturally responsive and address the educational/academic needs of all students.

1. Reject All Liability Waivers that Threaten Student and Family Rights

While these are unprecedented challenges for school systems, students and their families must not be required to waive their rights at any point. This includes the overarching right to a quality education, the right of students with disabilities to education, and the right to file complaints or lawsuits in the event these rights have been violated.

2. Protect Students with Disabilities

Ensure that schools provide students with disabilities access to tailored services as required in their Individual Education Plans (IEPs), including needed compensatory services as schools reopen as directed by the U.S. Department of Education Office of Special Education Services.

Do not request waivers at the state level of legal obligations to students with disabilities.

Ensure that the CARES Act and other stimulus funding for K-12 schools do not allow districts to abdicate responsibility for students who receive Title 1 and IDEA (Individuals with Disabilities Education Act) support. There should be no waivers allowed for states or local school districts regarding IDEA requirements.

3. Address the needs of other student populations

Operate as 'Sanctuary Districts' and provide the same resources for students and families who are undocumented.

Make all education content available in the students' and families' home language, not only for students who are English learners but also for family members who are not English speakers so that they can fulfill their role as "home school" teacher.

Ensure that students who are homeless have access to all needed services.

Ensure that students who live in urban and rural communities will access an appropriate free education regardless of zip code.



MONITORING & ACCOUNTABILITY

HUMAN RIGHTS GUIDANCE

OCTOBER 2020

Monitoring and Accountability

Community members and policymakers must have timely access to relevant information about public education issues of concern. Stakeholders need to be equipped with the necessary data to identify areas needing improvement, to assist in devising solutions to ongoing problems and to hold schools and governments accountable. Parents/legal guardians, students and other community members must have opportunities to meaningfully participate in shaping, monitoring, assessing and improving the education provided to children and youth.

1. School Discipline Data Collection

School climate and discipline data must continue to be collected and made public.

Ensure that suspensions, arrests and all classroom exclusions, including suspensions or removals from remote learning, are documented and disaggregated by Office for Civil Rights required categories.

2. Relay Up-to-date Information from Governing Health Agency Pertaining to Covid-19

All members of the school community should have access to up-to-date information on the number of people who have tested positive who work in or attend schools at the state and local levels, as well as:

Updated information on inventory of clearing and sanitizing supplies, and what the plan is if supplies are running low.

Information on how proper ventilation is being provided and any changes that are being made (for example if outdoor classes are no longer available, what safe alternatives will be used.)

3. Create a System for Alerting New Cases and a Clear Plan Ahead of Time

For schools that are holding in-person instruction, they must have a plan for what happens when:

- 1) a student or school staff person tests positive,
- 2) someone in their household tests positive, and/or
- 3) a student or school staff member has had direct contact with someone who has tested positive.

Everyone in the school community should know exactly what to do if any of these situations occur, and what they can expect to happen.



RESOURCES

HUMAN RIGHTS GUIDANCE

OCTOBER 2020

Resources

[Explaincovid.org](https://www.explaincovid.org)

ACLU of Pennsylvania - [School Discipline in the Era of COVID-19](#)

Coleman Advocates - <https://sfunitedincrisis.org/issues>

Portland Parent Union - [Statement on Reopening Schools](#)

Deep Center - [Facing COVID-19: Deep Center Mutual Aid Toolkit](#)

Learning Policy Institute - [Restorative Opening for Schools](#)

Vox - [Kids and Covid](#)

NAACP Legal Defense Fund - [LDF Calls on Internet Service Providers to Make Online Learning Accessible for Students of Color Through the Duration of the COVID-19 Pandemic](#)

Data Quality Campaign - [Measuring Growth in 2021: What State Leaders Need to Know](#)

Ebony - [Centering Children and Families at the Margins](#)

Centers for Disease Control - [Checklists for Going Back to School and Deciding How to Go Back to School](#)

National Center for Learning Disabilities - [Planning for Equity and Inclusion: A Guide to Reopening Schools](#)

National Center for Learning Disabilities - [Promise and Peril: Examining the Role of Ed Tech for Students with Disabilities](#)

American Federation of Teachers - [A Time to Act: The Importance of Investment in Public Education and Other State and Local Services in the Time of COVID-19](#)

Chief Council of State School Officers - [Supporting States Amid Coronavirus Outbreak](#)

Alliance for Quality Education - [Action Toolkit on Road To Reopening Schools](#)
Department of Education - [Civil Rights and COVID-19 Webinar](#)

