



Hogg Foundation
for Mental Health



Coalition of Texans
with Disabilities



Open Letter from Advocates to State Policymakers, Officials, and Administrators Regarding Education Justice Responses to COVID-19

The COVID-19 global pandemic has radically transformed the landscape of American K-12 education in just several weeks. School closures, restrictions on social contact, and online at-home learning methods present new challenges to protecting the safety and well-being of students. Students and families should not have to fear punishment or inordinate disciplinary consequences as they face the multitude of social, academic, financial, and emotional challenges presented by COVID-19.

As such, we, the undersigned organizations, offer the following recommendations for education policymakers, officials, and administrators of local education agencies in Texas and other parts of the country to consider in the wake of the pandemic:

Ensure students' and teachers' privacy rights are protected while using online learning platforms.

- State education agencies should issue guidance to local education agencies (LEAs) about ensuring safe and equitable online and distance-learning access, including how to comply with applicable state and federal laws and regulations concerning students' and teachers' privacy rights while using online platforms. Any online platforms used by education agencies should be vetted to assure compliance with those laws and regulations.
- State education agencies should establish easily-accessible, multi-lingual reporting systems so educators and students can alert the agency if they believe their privacy rights have been compromised while using an online platform for school work; this

system should be vetted to identify credible concerns, and standard conduct should not be a basis for further investigation.

- No school, district/LEA, or state agency should track or compile data about student or teacher internet searches without extraordinary probable cause. Data collection and storage practices should be made publicly available and easily accessible on the school district's website.
- School districts should take special care to distinguish school-related activities from non-school-related activities during this extraordinary time. Under federal and state law, the jurisdiction of school districts to monitor and discipline students should only extend to standard student behavior while young people are engaged in school-related activities. School districts should develop their discipline and surveillance policies with the extraordinary circumstances of COVID-19 distance learning in mind. Optimally, the reach of these revised policies will be confined to normal school hours.

Avoid punitive strategies that compromise safety and ignore students' needs.

- Local education agencies should halt the use of threat assessment teams to evaluate and address student behaviors during at-home learning. Instead, LEAs should use multi-tiered systems of support to evaluate and address student needs and provide services.
- Local education agencies and schools should monitor and take steps to address any disparate discipline to students with disabilities and English learner students. These students are frequently overrepresented in threat assessment and other discipline data, and experience additional instructional challenges through distance-learning.
- School districts and LEAs should avoid punitive approaches to student behaviors during at-home learning. The Texas Education Agency (TEA) has released [discipline guidance](#) that instructs school districts on Disciplinary Alternative Education Program (DAEP) continuity plans and how to conduct online disciplinary hearings for students for behaviors during school closures. This guidance fails to take into account the trauma that students, educators, and families are experiencing during the pandemic and how that trauma could be impacting student behaviors and teachers' perceptions of behavior. TEA and other state education agencies should release more comprehensive discipline guidance that discourages the use of punitive approaches and encourages the use of restorative justice, trauma-informed practices, counselors and social workers, and positive behavioral supports for students.
- Local education agencies should inform families and students, in writing, about any changes to monitoring, surveillance, or the use of law enforcement during school closures and upon the partial or full re-opening of campuses. Families, students, and the advocacy community should be included in the process of developing such changes.
- School districts and LEAs should use training resources and emergency COVID relief funds (i.e. CARES Act and other sources) to provide stipends to school counselors and social workers, and to hire additional school counselors and social workers to support the needs of members of the school community.

Provide trauma-informed supports and resources to students, families, and teachers that safely address social and mental health needs.

- All schools should meet the recommended student-to-school counselor ratio of 250:1. Counselors, social workers, and other mental and behavioral health professionals are always critical to creating safe and supportive schools. They are even more critical now as students, school staff, and families are experiencing the unique and difficult challenges related to COVID-19. These professionals must be deployed immediately to help identify and address needs. Additionally, they will play a crucial role in helping students and adults adjust once schools reopen. Federal emergency funding and school police budget funds can be directed to increase mental and behavioral health support systems.
- State and local education agencies should provide counseling and trauma supports to educators to alleviate their own pandemic-related stress.
- State and local education agencies should provide training in trauma-informed practices to educators so that they can continue to support students during school closures and upon their return.
- Local education agencies should provide training to counselors, social workers, and mental health professionals about the district's special education Child Find duties and process in order to ensure students suspected of a disability have access to specialized instruction.
- During the next legislative session, state legislators should pass legislation that prohibits punitive discipline practices, including suspensions, corporal punishment, alternative school placements, and expulsions that punish students for behaviors that are a response or reaction to COVID-19 trauma. We recommend that TEA and other state education agencies convene a taskforce with mental health and behavioral experts to issue guidance on the different ways that COVID-19 trauma may appear, and COVID-19 trauma should be added to the Texas Education Code, or appropriate state statute, as a factor to consider when administering discipline. The Legislature should also allocate funds for trauma-informed practices training for everyone in the school buildings across the state, require a review of removals by the campus behavior coordinator, and ensure that school counselors and social workers are consulted during the disciplinary process.

Ensure the continued use of research-based programs and methods that help to build safe, supportive, and inclusive school communities.

- Local education agencies should continue training for educators and other school staff on the use of research-based supports, including restorative practices and social emotional learning during the time of at-home learning.
- Local education agencies and schools should distribute resources to parents on how they can use research-based supports to ensure continuity of important skills and strategies during at-home learning.
- Local education agencies and schools should invest in parent support specialists and other community liaisons who can survey family and student needs and ensure they

receive social and emotional supports during at-home learning. These specialists can assist schools with efforts to locate students and families who have lost contact with their campuses since school closures began.

- Schools should conduct timely Functional Behavioral Assessments for students with disabilities once they return to school to update their Behavioral Intervention Plans to promote evidence-based behavioral interventions.

The impact of the COVID-19 practice will linger across the country for years to come. This may manifest as PTSD for many young people across Texas and the U.S. In the short-term, guidance from state agencies to school districts should prioritize trauma-informed care and restorative practices. Threat assessments and exclusionary discipline will optimally be avoided whenever possible, and multi-tiered systems of support should stand in their place to assist young people and school staff members to cope with the current conditions and aftermath of the pandemic. State agencies should urge their legislatures to increase funding for trained mental health professionals in schools across the state to address these concerns for years to come.

For more information and correspondence, please contact Andrew Hairston, J.D., Director of the School to Prison Pipeline Project at Texas Appleseed (ahairston@texasappleseed.net) or Chloe Sikes, Ph.D., Deputy Director of Policy at IDRA (chloe.sikes@idra.org).

Signed,

Texas Appleseed
Intercultural Development Research Association (IDRA)
Hogg Foundation for Mental Health
Coalition of Texans with Disabilities
National Association of Social Workers (NASW)
Southern Coalition for Social Justice
Texas Counseling Association
Texans Care for Children