



April 23, 2020

Commissioner Mike Morath
Texas Education Agency
1701 N. Congress Avenue
Austin, Texas 78701
commissioner@tea.texas.gov

Via E-Mail

RE: Ensuring Additional and Repurposed Educational Funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act are Directed Toward the State's Most Vulnerable Students

Dear Commissioner Morath:

We write to encourage the state of Texas to direct the additional and repurposed educational funds obtained through the Coronavirus Aid, Relief, and Economic Security (CARES) Act toward the state's most vulnerable students. We are a group of racial justice organizations committed to securing educational justice for students of color. Texas Appleseed is a public interest justice center based in Austin that works across the state to dismantle unjust policies that unduly burden historically underserved Texans. The Southern Coalition for Social Justice (SCSJ) is a legal nonprofit organization promoting justice by partnering with communities of color and economically disadvantaged communities to defend and advance their political, social, and economic rights. Advancement Project National Office is a national multi-racial civil rights organization that combines legal, policy, organizing, and communications advocacy to support grassroots organizations working to achieve racial justice. The Alliance for Educational Justice represents a network of youth-led grassroots campaigns organizing to end the school-to-prison pipeline.

The state will soon have access to additional funding through the Governor's Emergency Relief Fund authorized under section 18002 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act as well as the ability to repurpose existing educational funding to support distance learning and students in high-need areas. As schools remain closed throughout the state to curb the impact of COVID-19, it is imperative that Texas provide school districts with the resources necessary to deliver a quality education to its most vulnerable students. Students who are more likely to be marginalized during this period are those without access to computers or the internet and those living in environments that are not conducive to receiving virtual instruction. **To ensure the state fulfills its constitutional requirement to provide a quality education¹, the additional and repurposed funding for education should be directed toward the needs of:**

- Students of color;
- Economically disadvantaged students;
- Children with disabilities;
- Homeless students;
- Immigrant students; and
- Youth in the foster care and juvenile justice systems.

¹ Texas Constitution, Sec. 4.001



Ensure Vulnerable Student Populations are Provided a Sound Basic Education through Distance Learning

For these vulnerable student populations to receive a sound basic education through distance learning, the operations division of the Texas Education Agency should direct additional and repurposed educational funding to school districts to provide:

- laptops or tablets and free internet service for all students in need;
- Access to quiet learning environments, especially for homeless students and those in the foster care system;
- Academic tutoring outside of normal coursework;
- Academic counseling and access to credit recovery programs;
- Special education and related services necessary to provide a free appropriate public education to students with disabilities;
- Training for students on how to use the required educational software and internet platforms; and
- Training for teachers and other school staff working with students on best practices for distance/virtual learning.

Honor Students' Privacy and Fourth Amendment Rights While Using School Technology for Distance Learning

Before granting students' access to technology provided by schools, school districts often require student and parental consent to be monitored while using technology, including students' use of laptops, educational platforms and internet service. Consent is required, in part, because students maintain certain privacy and Fourth Amendment rights while attending public school² and because access to this technology is typically not required to meet the requirements of compulsory education.

However, while schools are physically closed due to COVID-19, access to and use of school-provided technology are necessary for many students to receive the quality education they are guaranteed by the Texas State Constitution. This situation forces students to either give up their privacy and Fourth Amendment rights or give up their state constitutional right to a quality education. Thus, we urge the state to honor students' privacy and Fourth Amendment rights by ending the practice of monitoring and surveilling students while using school technology.

Support the Physical, Mental and Social Wellbeing of All Students

Public schools are also responsible for promoting the physical, mental and social wellbeing of all students during these trying times. The COVID-19 crisis, resulting in school closures and stay-at-home orders, is undoubtedly impacting students' ability to stay physically active, mentally sound and engaged in positive social activities. Therefore, it is imperative that the additional and repurposed funding for education also be directed toward:

- Mental health resources, including access to school psychologists, therapists and social workers;

² See, e.g., *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969).



- Resources to promote physical health, including free breakfast and lunch, physical education instruction and access to school nurses and other health professionals; and
- Resources to promote social wellbeing, including opportunities to socialize and learn with fellow students in a structured environment.

These unprecedented times require an unprecedented response and an intentional effort to educate and support our most vulnerable students. For the sake of these students, we urge the operations division - or the division tasked with administering federal aid - of the Texas Education Agency to direct additional and repurposed educational funds obtained through the Coronavirus Aid, Relief, and Economic Security (CARES) Act toward the aforementioned resources. We invite you to contact our organizations with any questions or concerns you may have.

Sincerely,

Andrew Hairston
Director - School-to-Prison Pipeline Project
Texas Appleseed

Jessica Alcantara
Staff Attorney
Advancement Project National Office

Maria Fernandez
Senior Campaign Strategist
Advancement Project National Office

Tyler Whittenberg
Chief Counsel for Justice Systems Reform
Southern Coalition for Social Justice

Jonathan Stith
National Director
Alliance for Educational Justice

cc: Megan Aghazadian, Deputy Commissioner of Operations, Texas Education Agency