



Wisconsin

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Carolyn Stanford Taylor, Superintendent
Wisconsin Dept. of Public Instruction
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Transmitted electronically only: dpistatesuperintendent@dpi.wi.gov

RE: *Educational Equity During the Pandemic*

Dear Superintendent Taylor:

We are writing to make you aware of our serious concern about the educational impacts of COVID-19, and urge you to ensure that all K-12 schools and all districts are fully and adequately addressing this issue in an equitable way for all students. The COVID-19 crisis has disrupted nearly every aspect of the education system. While COVID-19 has impacted the educational experience of all students, the crisis has an unequal impact on the most vulnerable students. Minority students, students in low-income households, those with disabilities, and those who speak a language other than English at home face the greatest challenge and are bearing the brunt of its impact. Without an intense and intentional focus on equity, these vulnerable students will also be the last to recover from the impact of the pandemic. As districts across the State prepare and execute plans for the 2020-2021 academic school year, it is critical that equity is at the center of whatever alternative means of teaching and learning school districts implement. This also must be a consideration that is front and center in any waiver requests.

DPI is obligated to provide meaningful educational opportunities, fairly and equitable, for

all students. Federal regulations implementing Title VI of the Civil Rights Act prohibit recipients of federal funding - DPI as well as districts - not only from intentional discrimination, but from implementing procedures that have a discriminatory effect on the basis of race, color, or national origin. 34 C.F.R. § 100.3(b)(2). Recipients of federal funding include both DPI, school districts, and many private and charter schools. Additionally, “any service . . . or other benefit to an individual which is different, or is provided in a different manner, from that provided to others” is prohibited. 34 C.F.R. § 100.3(b)(3).

Furthermore, Wisconsin state law further prohibits student discrimination. Wis. Stat. § 118.13, prohibits pupil discrimination. Under Wis. Adm. Code PI §9.02(5), “[d]iscrimination means any action, policy or practice . . . which denies a person or group of persons opportunities . . . based, in whole or in part, on . . . race, national origin, [or] mental, emotional or learning disability. . .” To ensure district compliance with state standards, including standards in §121.02(1),¹ DPI “shall” conduct compliance inquiries, and may also audit districts on its own initiative. §121.02(2).

I. Ensuring Equity in Remote Learning

With school districts across the State planning some level of remote learning for fall, DPI must continue to address the digital divide and ensure all students have reliable internet and computer access². Many students around the state lack any reliable access to internet and/or

¹ Wis. Stat. § 121.02(1)(n) obligates school boards to “[d]evelop a plan for children at risk under s. 118.153.”

² Frank Vaisvilas, “Tribal educators talk e-learning curve, and prepare for fall pandemic learning,” Green Bay Press Gazette, Jul. 2, 2020, <https://www.greenbaypressgazette.com/story/news/2020/07/02/coronavirus-wisconsin-native-american-students-face-online-learning-challenges/5349307002/>

home computers.³ We also know that those students are far more likely to be children of color and poor children. For example, as of 2018, nationwide data shows that Native American, Black and Latinx children were substantially less likely to have internet access at home, and more likely to have home internet access only through a smart phone.⁴

Prior to COVID-19, one-third of all Wisconsin school districts reported that at least a quarter of their students did not have “enough internet access at home to complete homework assignments and other school related activities.”⁵ The digital divide is more pronounced in rural communities and households with Black, Latinx, and Native American students. In 2018, 13.6 percent of Black residents and 11 percent of Hispanic/Latinx residents lacked broadband access as compared to 5.8 percent for white residents.⁶ Furthering the racial divide 13.4 percent of Black Wisconsin residents did not have a computer in their home. Although districts have made urgent efforts to address digital access, increased demand for internet and device usage, compounded by job loss or economic hardship, may further reduce internet access.⁷ DPI must ensure all students have reliable internet access, especially those in rural and urban districts.

Offers from internet and mobile phone providers to provide free internet access have been vital to students’ connectivity, but many offers are set to expire before the coming school year begins. Thousands of students may lose connectivity if families cannot afford to sign up for

³ Madeline Fox, “82k Wisconsin Children Lack Internet Access at Home, Locking them Out Virtual Learning,” Wisconsin Public Radio, 2020. <https://www.wpr.org/82k-wisconsin-children-lack-internet-access-home-locking-them-out-virtual-learning>

⁴ “Children’s Internet Access at Home,” National Center for Education Statistics, 2020. https://nces.ed.gov/programs/coe/indicator_cch.asp

⁵ “Wisconsin’s Digital Divide and Its Impact on Learning,” Wisconsin Policy Forum, 2020. https://wispolicyforum.org/wp-content/uploads/2020/05/Focus_COVID_Internet_Access.pdf

⁶ *Id.*

⁷ *Id.*

services themselves.

Additionally, DPI must ensure that districts offer consistent remote instruction to all students by addressing the wide variation in what remote learning looks like. Without clear expectations, and pressure to meet the needs of every student, many districts may fail to address the learning experience of students who face the greatest challenges. Black and Latinx students are less likely to have access to high quality remote learning and engagement rates are lagging behind in schools who predominantly Black and Latinx students.⁸ These variations translate directly into learning loss, and could exacerbate achievement gaps by 15 to 20 percent.⁹ Additional state-wide standards for remote learning are needed to address disparities between the quality and quantity of remote synchronous instruction across schools.

II. Ensuring Equity in Physical Classrooms

DPI must prioritize the health and safety of all students, educators, and families as schools reopen. We know that people of color – especially Black and Latinx persons – are far more likely to contract Covid-19 and to suffer worse effects and outcomes from the disease.¹⁰ Special considerations must be given to account for other vulnerable populations, including those who face special healthcare needs disabilities, live in poverty, or have developmental challenges,

⁸ Emma Dorn et al., “COVID-19 and student learning in the United States: The hurt could last a life time,” McKinsey and Company, 2020. <https://www.mckinsey.com/industries/public-sector/our-insights/covid-19-and-student-learning-in-the-united-states-the-hurt-could-last-a-lifetime#>

⁹ *Id.*

¹⁰ “Data Don’t Speak for Themselves: Putting COVID-19 Disparities In Context,” Population Health Institute, University Wisconsin-Madison, 2020. <https://uwphi.pophealth.wisc.edu/2020/06/08/data-dont-speak-for-themselves-putting-covid-19-disparities-in-context/>; David Wahlberg, “Black, Latino COVID-19 Disparities Bring Attention to Broad Health Inequalities,” Wisconsin State Journal, 2020. https://madison.com/wsj/news/local/health-med-fit/black-latino-covid-19-disparities-bring-attention-to-broad-health-inequities/article_4b5f367c-6b0a-58db-a711-046c4008b66d.html

with a focus on a safe return to school for all students and the resources to do so.¹¹ Protecting those children – and ensuring that the schools they attend have the financial resources to do so – is therefore of utmost concern.

It is critical that school districts implement transmission control measures by reducing class sizes, increasing social distance between students, and implementing protocols to limit interactions between groups whenever possible.¹² However, the quality and condition of school buildings and facilities varies across the state. Some children -more commonly those who attend high-poverty schools, including many children of color and rural children- are far more likely to attend schools in older buildings, many with old HVAC systems and poor indoor air quality.¹³

Schools must also implement cleaning protocols to limit opportunities for the virus to spread amongst large groups and promote frequent handwashing. DPI must ensure that all schools – especially those serving vulnerable populations, which may have less money available – are provided with the resources to do so. This includes equipping schools with the proper PPE supplies and facemasks to protect students, teachers, and staff. DPI must ensure that all schools, including those serving vulnerable children, have the resources to do so.

As districts plan to return to the physical classrooms it is clear that many will implement a staggered schedule. DPI must ensure that districts are providing parents and families direct

¹¹ “COVID-19 Planning Considerations: Guidance for School Re-entry,” American Academy of Pediatrics, 2020. <https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/covid-19-planning-considerations-return-to-in-person-education-in-schools/>

¹² Brandon L. Guthrie et al, “Summary of School Re-Opening Models and Implementation,” UWMetacenter’s COVID-19 Literature Report Team, 2020. <https://globalhealth.washington.edu/sites/default/files/COVID-19%20Schools%20Summary%20%28updated%29.pdf>

¹³ “School Facility Report,” Wisconsin Department of Public Instruction, 2000. https://dpi.wi.gov/sites/default/files/imce/sms/pdf/fasrv_legisrpt.pdf; “State of our Schools: America’s K-12 Facilities,” 21st Century School Fund, Inc., US Green Building Council, Inc., and the National Council of School Facilities, 2016. <https://files.eric.ed.gov/fulltext/ED581630.pdf>

guidance and up-to-date information regarding reopening plans. These policies must be consistently communicated in languages other than English, to limit the marginalization of parents/guardians who are of limited English proficiency or do not speak English at all. Title VI prohibits the denial of equal access to education because of a student's limited proficiency in English.¹⁴ For parents who depend on predictable schedules to make a living this is vital information.

III. Ensuring Equity in Social and Emotional Needs

Finally, DPI must ensure that school districts support students' social and emotional needs after the disruption of COVID-19 on students' lives. Many students face greater food insecurity, loss of family income, loss of family members to COVID-19, and fear of catching the virus themselves.¹⁵ This is particularly critical for Black and Latinx children, whose communities already suffer from higher rates of poverty and now also are disproportionately suffering from Covid-19. Prior research on students displaced by Hurricane Katrina indicated that students had difficulty concentrating and often manifested symptoms of depression in the months following the hurricane.¹⁶

Schools must also intentionally combat stigmas regarding COVID-19, and ensure students are not subject to harassment due to race or ethnicity. We are, unfortunately, aware of many instances of racial harassment, including harassment of Asian children falsely blamed for

¹⁴ "The Provision of an equal education Opportunity to Limited-English Proficient Students," U.S. Department of Education, Office of Civil Rights, 2000. <https://www2.ed.gov/about/offices/list/ocr/eeolep/index.html>

¹⁵ "Ten Equity Implications of The Coronavirus COVID-19 Outbreak in the United States," NAACP, 2020. https://naacp.org/wp-content/uploads/2020/03/Ten-Equity-Considerations-of-the-Coronavirus-COVID-19-Outbreak-in-the-United-States_Version-2.pdf

¹⁶ Megan Kuhfeld, et al., "Projecting the potential impact of COVID-19 school closures on academic achievement." Annenberg Brown University, EdWorkingPaper No. 20-226, 2020. <https://www.edworkingpapers.com/sites/default/files/ai20-226-v2.pdf>

causing or spreading Covid-19.¹⁷ To address this schools must provide training to classroom teachers and other educators on how to talk and support children during and after the COVID-19 pandemic. Students requiring mental health support should be referred to school mental health professionals, and these professionals should be involved in shaping messages to students and families about the response to the pandemic. And again, the state needs to ensure that schools serving low income children – who are more likely to be children of color – have the staffing necessary to accomplish this. To face the unprecedented trauma of COVID-19 on students, the social and emotional needs of all school communities must be a critical focus.

As the impact of COVID-19 continues to be felt by students and families, we request that you exercise your power and authority to ensure that all schools in the State provide an equal educational opportunity for every student. It will take all parties and stake holders working together to support student learning, address the trauma and disruption of COVID-19, and keep students on a continued path of success.

Sincerely,



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¹⁷ “Reports of Anti-Asian Assaults, Harassment and Hate Crimes Rise as Coronavirus,” Anti-Defamation League, 2020. <https://www.adl.org/blog/reports-of-anti-asian-assaults-harassment-and-hate-crimes-rise-as-coronavirus-spreads>; Erin Donaghue, “2120 Hate Incidents Against Asian Americans During Coronavirus Pandemic,” CBS News, 2020. <https://www.cbsnews.com/news/anti-asian-american-hate-incidents-up-racism/>