



## Civil Rights and Education Leaders on Waivers from Federal Requirements in Response to Coronavirus

**Statement of John B. King Jr., Deborah S. Delisle, Lindsay E. Jones, Marc H. Morial, Janet Murguía, and Neera Tanden**

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### CONTACTS

**Phillip Lovell**, Alliance for Excellent Education, 202-494-5004, [plovell@all4ed.org](mailto:plovell@all4ed.org)

**Colin Seeberger**, Center for American Progress, 202-741-6292, [cseeberger@americanprogress.org](mailto:cseeberger@americanprogress.org)

**Meghan Whittaker**, National Center for Learning Disabilities, 203-808-2512, [mwhittaker@ncld.org](mailto:mwhittaker@ncld.org)

**Teresa Candori**, National Urban League, 212-558-5362, [tcandori@nul.org](mailto:tcandori@nul.org)

**Nicolle Grayson**, The Education Trust, 202-731-9582, [ngrayson@edtrust.org](mailto:ngrayson@edtrust.org)

**Amalia Chamorro**, UnidosUS, 415-608-7217, [achamorro@unidosus.org](mailto:achamorro@unidosus.org)

**Washington, D.C.**—*As the novel coronavirus spreads and prolonged school closures increase nationwide, the leaders of six national civil rights and education advocacy organizations joined together to issue the following statement:*

“We appreciate the tireless efforts of educators, families, and policymakers nationwide to ensure the safety and well-being of our nation’s students. That has been, and must continue to be, our top priority during this unprecedented time in our nation’s history.

“Widespread school closures are disrupting student learning, and we must do everything possible to ensure learning continues even if school buildings must close. States, school districts, and schools will need flexibility to meet students’ needs. The U.S. Department of Education (ED) has appropriately issued guidance in this regard on several issues, including the potential for targeted waivers from specific accountability and assessment requirements of the Every Student Succeeds Act (ESSA) as well as guidance on special education and civil rights protections. We support state leaders as they make thoughtful decisions about how best to consider their local context and make the right decisions for their students.

“It is paramount that education equity is at the forefront of any administrative or legislative action to continue to advance student learning in this new environment. ESSA’s existing waiver authority is sufficient for ED to meet states’ needs. As the coronavirus pandemic evolves on a daily basis, it would be premature to issue blanket national waivers from core components of the law. Thus, case-by-case consideration of each state’s needs is, at this time, most appropriate, as ED acknowledges that the impact of coronavirus will affect each state differently. Should a targeted, one-time waiver from annual assessments be granted to a state in response to coronavirus, it is critical for accountability determinations to be carried over from the prior year to ensure transparency and continued support for students while any such waivers are in effect. In addition, in approving any waiver requests, ED must include critical assurances from states to ensure action will be taken to address lost instructional time and mitigate lags in student achievement and growth, especially for historically underserved students.

“We must also pay particular attention to the needs of students with disabilities and ensure that the most effective instructional support is provided to these students as soon as possible. No new waiver authority is necessary under the Individuals with Disabilities Education Act. Districts must actively plan to ensure that students are afforded all of their rights under federal law. Many are already doing this using online platforms, phone calls, or other innovative measures to provide individual or small group instruction and hold meetings wherever possible.

“As states, districts, and schools adjust to this new climate, we must be diligent in addressing the unique needs of other vulnerable students as well, including students of color, students from low-income backgrounds, English learners, and students experiencing homelessness, foster care, or those engaged in the juvenile justice system. For example, outreach and support must be provided to English learners who already experience wide opportunity gaps in comparison to their peers and for whom quality digital curriculum is less available. We must also consider the needs of students who are highly mobile, as they face unique barriers to online learning.

“Once schools open up again, we will continue to push for appropriate assistance to support all students, particularly those who have been historically underserved. Schools will need additional flexibility and funding to continue educating our nation’s students. However, we must ensure that we work collectively to protect students’ civil rights during this time.”

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*John B. King Jr. is the president and CEO of The Education Trust and served as U.S. Secretary of Education from 2016–2017. Deborah S. Delisle is the president and CEO of the Alliance for Excellent Education and served as Assistant Secretary of Elementary and Secondary Education from 2012 to 2015. Lindsay E. Jones, Esq. is the president and CEO of the National Center for Learning Disabilities. Marc H. Morial is the president and CEO of the National Urban League and served as mayor of New Orleans from 1994 to 2002. Janet Murguía is the president and CEO of UnidosUS, formerly NCLR (National Council of La Raza) and served as deputy assistant to President Clinton. Neera Tanden is the president and CEO of the Center for American Progress and the Center for American Progress Action Fund, where she focuses on how both organizations can fulfill their missions to expand opportunity for all Americans.*

The **Alliance for Excellent Education** (All4Ed) is a Washington, DC-based national policy, practice, and advocacy organization committed to improving educational outcomes — and lives — of students, with a focus on those in middle and high school. We embrace diversity, equity, and inclusion and specifically advocate on behalf of all students who are historically underserved or marginalized. [all4ed.org](http://all4ed.org)

The **Center for American Progress** is an independent nonpartisan policy institute that is dedicated to improving the lives of all Americans, through bold, progressive ideas, as well as strong leadership and concerted action. Our aim is not just to change the conversation, but to change the country. [americanprogress.org](http://americanprogress.org)

The **National Center for Learning Disabilities** (NCLD) is a Washington, DC-based national policy, advocacy, and research organization that works to improve the lives of the 1 in 5 children and adults nationwide with learning and attention issues — by empowering parents and young adults, transforming schools, and advocating for equal rights and opportunities. [www.nclld.org](http://www.nclld.org)

The **National Urban League** is a historic civil rights organization dedicated to economic empowerment in order to elevate the standard of living in historically underserved urban communities. The National Urban League spearheads the efforts of its 90 local affiliates through the development of programs, public policy research and advocacy, providing direct services that impact and improve the lives of more than 2 million people annually nationwide. Visit [www.nul.org](http://www.nul.org) and follow us on Twitter and Instagram: @NatUrbanLeague.

**The Education Trust** (Ed Trust) is a national nonprofit that works to close opportunity gaps that disproportionately affect students of color and students from low-income families. Through our research and advocacy, Ed Trust supports efforts that expand excellence and equity in education from preschool through college, increase college access and completion particularly for historically underserved students, engage diverse communities dedicated to education equity, and increase political and public will to act on equity issues. <https://edtrust.org/>

**UnidosUS**, previously known as NCLR (National Council of La Raza), is the nation's largest Hispanic civil rights and advocacy organization. Through its unique combination of expert research, advocacy, programs, and an [Affiliate Network](#) of nearly 300 community-based organizations across the United States and Puerto Rico, UnidosUS simultaneously challenges the social, economic, and political barriers that affect Latinos at the national and local levels. For more than 50 years, UnidosUS has united communities and different groups seeking common ground through collaboration, and that share a desire to make our country stronger. For more information on UnidosUS, visit [www.unidosus.org](http://www.unidosus.org) or follow us on [Facebook](#), [Instagram](#), and [Twitter](#).