

## Equitable Opportunities for Students

**Districts should consider how they are meeting the needs of each child.** Analyze the district's student support services and determine additional supports needed for identified subpopulations to strengthen access to general education services.

USED Fact Sheet: [Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students](#)

### **Students Experiencing Homelessness**

Children and youth experiencing homelessness face unique challenges in accessing and succeeding in school. Subtitle VII-B of the McKinney-Vento Homeless Assistance Act, reauthorized in 2015 by Title IX, Part A, of the Every Student Succeeds Act (42 U.S.C. § 11431 et seq.; hereafter the McKinney-Vento Act), establishes the definition of homeless used by U.S. public schools, and the educational rights that children and youth experiencing homelessness are entitled to. For schools to be able to provide services to students in homeless situations, they first must be able to identify these students.

***Homeless children and youth are “individuals who lack a fixed, regular, and adequate nighttime residence”***

- Fixed – Stationary...permanent...not subject to change
- Regular – Used on a predictable, routine, consistent nightly basis
- Adequate – Meets physical and psychological needs
  - Sharing housing due to economic hardship or lack of housing
  - Living in motels, hotels, trailer parks, or camp grounds due to lack of alternative accommodations
  - Living in emergency or transition shelters
  - Primary nighttime residence is not ordinarily used as a regular sleeping accommodation
  - Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, etc...

### ***Immediate Enrollment*** (11432(g)(3)(C))

McKinney-Vento students are entitled to immediate enrollment in any public school that students living in the same attendance area are eligible to attend, even if:

- Students do not have required documents, such as school records, records of immunization and other required health records, proof of residency, guardianship, or other documents; or
- Students have missed application or enrollment deadlines during any period of homelessness.

### ***School of Origin*** 11432(g)(3)(A)

Each LEA shall, according to the child's or youth's best interest:

- Keep the student in the school of origin for the duration of homelessness, and until the end of the academic year in which the student becomes permanently

housed; or

- Enroll the student in any public school that housed students living in the attendance area where the student is living are eligible to attend.

School of origin extends across state lines.

### ***Work with the District Homeless Liaison***

Districts are required to:

- Ensure students experiencing homelessness have a full and equal opportunity to succeed in learning;
- Ensure students experiencing homelessness have access to and receive educational services for which such families, children, and youths are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act (42 U.S.C. 9831 et seq.), early intervention services under Part C of the Individual with Disabilities Education Act (20 U.S.C. 1431 et seq.), and other preschool programs administered by the local educational agency;
- Ensure students experiencing homelessness receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services;
- The parents or guardians of homeless children and youths are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- Public notice of the educational rights of homeless children and youths is disseminated in locations frequented by parents or guardians of such children and youths, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to parents and guardians of homeless children and youths, and unaccompanied youths;
- Enrollment disputes are mediated in accordance with paragraph (3)(E); and
- The parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, as described in paragraph (1)(J)(iii), and is assisted in accessing transportation to the school that is selected under paragraph (3)(A);
- School personnel providing services under this subtitle receive professional development and other support; and unaccompanied youths –
  - (I) are enrolled in school;
  - (II) have opportunities to meet the same challenging State academic standards as the State establishes for other children and youth, including through implementation of the procedures under paragraph (1)(F)(ii); and
  - (III) are informed of their status as independent students under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and that the youths may obtain assistance from the local educational agency liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090).

[Supporting Children and Youth Experiencing Homelessness during the COVID-19 Outbreak: Questions to Consider](#)

For more information about Homeless Education Services and a list of district Homeless Liaisons visit the DESE website at

<http://dese.ade.arkansas.gov/divisions/public-school-accountability/federal-programs/homeless-education-services>

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**Students in Foster Care**

Districts should ensure that students in foster care are receiving equitable services.

- Students may remain in their school of origin unless a collaborative determination is made that it is not in the best interest of the child.
- LEA must ensure immediate enrollment in school and transfer of school records.
- LEA must develop and implement clear written transportation procedures governing how to maintain children in foster care in their school of origin when in their best interest, including how transportation will be provided, arranged, and funded for the duration of time in foster care.

**Federal Guidance & Resources**

- Non- Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care can be found [here](#).
- Because many students in foster care also have disabilities, IDEA Q & A Providing Services to Children with Disabilities During the Covid Outbreak can be found [here](#).
- United States Department of Education, Office for Civil Rights [Supplemental Fact Sheet](#)

**[Educational Stability for Students in Foster Care During COVID-19](#)**

For more information about Foster Care and a list of district Foster Care Liaisons, visit the DESE website at

<http://dese.ade.arkansas.gov/divisions/public-school-accountability/federal-programs/foster-care-liaison>

For contact information for the Arkansas Division of Child and Family Services, view the list of Service Areas and each Area Director here:

<https://humanservices.arkansas.gov/about-dhs/dcfs/area-directors>

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## **Migrant Students**

Districts should ensure that migrant students are receiving equitable services.

### ***Identification and Recruitment***

Recruiters must continue identifying and researching potential leads in their assigned areas, during the COVID-19 response effort. Recruitment Eligibility and Data Specialists (REDS) must work with recruitment staff to develop a comprehensive plan to reach all identified leads once the restrictions are lifted. The vital work to identify potential families must be the focus of all recruitment staff.

Recruiters may not meet in-person with eligible families during the COVID-19 response effort.

- Recruiters must follow restrictions put in place by their employer.
- Recruiters may follow the Arkansas Department of Health's [directives and orders](#).
- Recruiters may not conduct school-based recruitment in areas where schools are closed due to the COVID-19 response effort but may conduct community-based recruitment if no other restrictions apply.

All Certificates of Eligibility must continue to go through the rigorous Quality Control Committee and be processed within the required timeframe. Certificate of Eligibility Quality Control panels should be conducted virtually.

### ***Student Support and Instruction Plan***

Programs may conduct services virtually, provided that the family is able to access such services (e.g., Internet access, electronic devices, etc.). A list of free online resources should be provided to families so that they can work with their children. Please continue to serve Priority for Service (PFS) students first.

Each Area should contact families via phone to ask about their well-being, whether they are receiving schoolwork from their schools, and whether they have access to the Internet. If they do not have Internet or Wi-Fi access, help connect the family to low or no-cost options, as available.

Programs should continue using the appropriate codes in MIS2000 to document services.

### ***Examples of services that can be provided to Students/families***

Local Education Agencies (LEA) and Local Operating Agencies (LOA) must focus in providing support services such as:

- 1.) Directing Migrant Education Program (MEP) families to health agencies as needed, (providing families phone numbers and addresses of clinics in their area).
- 2.) Checking on MEP families through phone calls, Face-Time, or any other social media.
- 3.) Providing MEP families information on how to access school resources for learning on-line or schools' AML packets.
- 4.) Whenever possible, helping Migrant students to complete AML packets (via phone or video conference only)

- 4.) Letting MEP families know if the school district is offering school lunches and where the distribution sites are located.
- 5.) If they think they might have the virus, letting them know where to be tested.
- 6.) Identifying other social services in their area that might be available to Migrant Students/Families.
- 7.) Providing Migrant Students/Families with hygiene packets.
- 8.) Providing Migrant Students with high interest books and educational magazines.

### ***Local/State Parent Advisory Councils (PAC)***

All Migrant Education Program Regions are advised to follow federal, state, and local COVID-19 social distancing guidance and the contingency plans provided by their local administrators. Regions also are advised to follow up with parents via conference calls, e-mails, text messaging, and other social media platforms that they have already established with their parent groups.

USED Fact Sheet: [Addressing the Risk of COVID-19 While Serving Migratory Children](#)  
For more information about Migrant Students visit the DESE website at  
<http://dese.ade.arkansas.gov/divisions/public-school-accountability/federal-programs/migrant-education>

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### **English Learners**

Title III Districts should ensure that English Learners are receiving equitable services in those private schools which have elected to participate in such services.

### ***Consultation***

Title III Districts should continue to engage in meaningful and timely consultation with private school officials regarding the provision of Title III services to eligible private school ELs, their teachers, and other educational personnel. These consultations should be done in ways that are in line with the CDC and the Arkansas Department of Health guidelines for minimizing exposure to COVID19. Consultation meetings could be held remotely via video conferencing, for example.

Specifically, the LEA and private school officials should consult on issues such as:

- How private school students will be identified as ELs;
- How the needs of eligible ELs, their teachers, and other educational personnel will be identified;
- The services that the LEA will provide to meet the language development needs of identified ELs, as well as the professional development needs of their teachers and other educational personnel at the school who work with ELs;
- Whether services will include initial identification of ELs and assessment of their

language proficiency, as well as a determination of whether students should exit EL status;

- How, where, and by whom the Title III services will be provided;
- How the Title III services will be assessed, and how the results of those assessments will be used to improve the services;
- The size and scope of the Title III services to be provided;
- The amount of funding available to provide Title III services; and
- How and when the LEA will make decisions about the delivery of Title III services, including a thorough consideration of the views of the private school officials on the provision of contract services through potential third-party providers.

This consultation must take place before the LEA makes any decisions that impact the opportunities of eligible private school ELs, their teachers, and other educational personnel to receive equitable services under Title III.

The parental notification requirements in Section 3302 of the ESEA do not apply to parents of ELs in private schools. However, in the consultation process, an LEA is encouraged to discuss with the private school official how parents of the private school ELs will be made aware of the Title III services and how those services will meet their children's needs.

### ***Eligibility and Identification of ELs and Immigrant Children and Youth in Private Schools***

#### **Who is eligible to receive Title III services?**

To be eligible for Title III services for ELs, a private school student must be enrolled in a nonprofit private elementary or secondary school in the geographic area served by an LEA that receives a Title III subgrant for ELs and must meet the definition of LEP under Section 9101(25) of the ESEA. To be eligible for Title III services for immigrant children and youth, a private school student must be enrolled in a nonprofit private elementary or secondary school in the geographic area served by an LEA that receives a Title III subgrant for immigrant children and youth and must meet the definition of immigrant children and youth under Section 3301(6) of the ESEA. Private school teachers and other educational personnel who instruct private school ELs may receive professional development under Title III. The extent to which private school teachers and other educational personnel would receive professional development under Title III would be determined during the consultation process.

Please consult Section E on pages 8-9 of the [TITLE III, PART A English Language Acquisition, Language Enhancement, and Academic Achievement Equitable Services to Private School Students, Teachers, and Other Educational Personnel Non-Regulatory Guidance](#) for further details on eligibility and identification of ELs and Immigrant Children and Youth in Private Schools. In light of COVID19, these areas may need to be readdressed in timely and meaningful consultation to ensure procedures are appropriate for maintaining appropriate social distancing protocols and limit face to face interaction as needed.

### ***Services for Private School Students, Their Teachers, and Other Education Personnel***

A Title III District, in meaningful consultation with the private school, must determine appropriate services for English Learners qualifying for Title III services. Support during school closures should be adjusted to provide services via distance/remote learning methods. These need to be determined and designed collaboratively by the Title III District and the private school to be delivered in such a way that supports the needs of the English Learners and is in alignment with CDC and the Arkansas Department of Health guidelines for interaction.

For more information about providing equitable services for English Learners in private schools, please consult:

[TITLE III, PART A English Language Acquisition](#)

USED Fact Sheet: [Providing Services to English Learners During COVID-19 Outbreak](#)

For more information about Title III and equitable services for English Learners:

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## **Students with Disabilities**

USED Supplemental Fact Sheet: [Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities](#)

Resources:

[Special Education Guidance for COVID-19](#) Executive Summary

[Guidance for Special Education for Extended AMI](#)

[Supports for Students With Disabilities](#)

[Supports for Students with Significant Cognitive Disabilities](#)

[Supports for Preschool-age Children with Disabilities](#)

## **Parentally-Placed Students with Disabilities in Private Schools**

LEAs are required to consult with private school (and home school) representatives and representatives of parents of parentally-placed children with disabilities during the design and development of a plan for providing special education and related services for these children ([The Individuals with Disabilities Education Act, Provisions Related to Children With Disabilities Enrolled by Their Parents in Private Schools](#), U.S. Department of Education, 2006). Specific provisions regarding the development of a Service Plan can be found on page 11 of the USDE document. The development of a Service Plan is



the responsibility of the LEA in consultation with the private school, and “should reflect only the services the LEA will provide to a parentally-placed private school child with a disability who is designated to receive services”.

A unilateral offer of services by an LEA with no opportunity for discussion is not adequate consultation, as such an offer does not meet the basic requirements of the consultation process. Only after discussing key issues relating to the provision of special education and related services with all representatives may the LEA make its final decisions with respect to the services to be provided to eligible private school children with disabilities. [Questions and Answers on Serving Children with Disabilities Placed by their Parents in Private Schools](#)

Parentally-placed children with disabilities do not have an individual entitlement to services they would receive if they were enrolled in a public school. Instead, the LEA is required to spend a proportionate amount of IDEA federal funds to provide equitable services to this group of children.

Students with disabilities who have a service plan in place should continue to receive services through alternate methods during school closures for COVID-19. This decision is based on the services agreed to in the collaborative meeting, service plans, and proportionate share funds. If LEAs are unable to provide special education and related services to students with service plans, they will need to consult with private and homeschool representatives to determine how to meet the needs of their students.