

KNOW YOUR RIGHTS: Education & COVID-19



Do students have a right to attend public school?

Yes. The California Constitution gives every student in California the right to a free public education. Students have the right to attend schools that are safe, secure, and peaceful.



Will schools hold in-person classes in Fall 2020?

In a county on the state's Monitoring List, schools may NOT hold in-person classes. You can check the list at: <https://covid19.ca.gov/roadmap-counties/#track-data>

In a county NOT on the state's Monitoring List, school districts may make their own plan. If your district offers distance learning, it must:

- o Document daily attendance & participation



Where can I learn more about my local school's plan?

Go to your district's webpage for information on your local school's plan for the 2020-21 school year. If you need help finding information for your school district, contact your nearest CRLA office.



How much class time must a school provide in school year 2020-21?

Schools must provide 180 days (6 months) and minimum daily instruction times:

- Kindergarten = 180 minutes (3 hours)
- Grades 1-3 = 230 minutes (3.8 hours)
- Grades 4-12 = 240 minutes (4 hours)

It is the same for in-person classes and distance learning.



Do students have to wear a mask at school & keep 6 ft. distance?

For in-person classes, students in 3rd grade & above must wear a mask. Students Kinder - 2nd grade are strongly encouraged to wear one. (For exceptions, see link on back.) Adults must keep 6 ft. away from others. Students must keep 6 ft. away from each other, if possible.



Does a student have to go back to school if worried about health?

Students in quarantine and medically fragile students are excused from in-person classes. For other students, if the district offers online-only classes, families may choose that option. If a district does not offer online-only classes, students must attend class on campus. Students in 3rd grade & above who refuse to wear a mask may not attend class and must be provided distance learning.



Will the school provide computers & internet for distance learning?

Yes, if a school uses distance learning that requires a computer, the school must make sure every student has a tablet or computer AND internet connection.



Do English Learner students also have other rights?

Yes. Students who are English Learners (ELs) have a right to learn English at school AND take all other academic classes that English-speaking students can take. The school must:

- Assess EL students' English fluency
- Support EL students' access to the full curriculum
- Reclassify ELs as English proficient when it's time
- Allow students and parents to request bilingual education

Bilingual students can also still be awarded the [State Seal of Biliteracy](#) in the 2019–20 and 2020–21 school years, with modified requirements: <https://www.cde.ca.gov/sp/el/er/ssbfaq.asp>



What if a student is bullied or cyber-bullied?

Every student has the right to be free from discrimination, harassment, and bullying at school. Students are also protected from cyberbullying that happens during distance learning, an online class, or other online activity related to school. Students bullied because of their disability, language, race, sex, or gender also have the right to be safe at school. The school must investigate bullying, try to stop it, and keep students safe.



Do students with disabilities and special learning needs also have other rights?

Yes. Federal and state law protect students with disabilities. Even during COVID-19, students with disabilities still have a right to an individualized education plan that gives the student equal access to the services and resources available to other students. If the school is not holding in-person classes, the student's team should modify the student's plan so that the student still receives their individualized services in another way.



What rights do students have about school behavior and discipline?

Students should not be removed from distance learning or online classes because of student behavior. If they are, they have the right to tell their side of the story and they still have a right to learn. Students also have other rights in a suspension, expulsion, or school transfer. Contact CRLA for more information.

How can I protect a student's rights to education?

- ⇒ Contact the principal or superintendent in writing to correct the problem
- ⇒ File a Uniform Complaint Procedure (UCP) complaint with the school district or the California Department of Education
- ⇒ Submit a complaint for language discrimination to the California Department of Fair Employment & Housing
- ⇒ File a complaint with the U.S. Department of Education Office of Civil Rights
- ⇒ Students and parents may have other ways to enforce education rights
- ⇒ Contact CRLA for more information or if you need legal assistance:

California Rural Legal Assistance, Inc.

www.crla.org

1-800-337-0690

To find the CRLA office nearest you:

<https://www.crla.org/office-listing>

School Reopening Guidance:

<https://files.covid19.ca.gov/pdf/guidance-schools.pdf>