

March 25, 2020

Senator Diane Feinstein  
331 Hart Senate Office Building  
Washington, D.C. 20510

Senator Kamala Harris  
112 Hart Senate Office Building  
Washington, D.C. 20510

Representative Judy Chu  
2432 Rayburn House Building  
Washington, D.C. 20515

Representative Adam B. Schiff  
2269 Rayburn House Building  
Washington, D.C. 20515

**Re: Stimulus Package Impact on Special Education Rights**

Dear Senator Feinstein, Senator Harris, Representative Chu, and Representative Schiff:

In 2004, Loyola Law School started the Center for Juvenile Law & Policy to help at-risk youth in Los Angeles County. The CJLP bases its program on the fundamental belief that *all* children are able to learn, change, and grow beyond their mistakes; and that, in fact, a child who breaks the law is too often a child who has been failed by a family, a school, the welfare system, or the community. From legal representation in juvenile court, due process hearings, disciplinary hearings, and Individual Education Program meetings, through to post-conviction advocacy for youth sentenced to unjustly disproportionate adult prison sentences, and culminating in support upon re-entry, the CJLP intercedes on behalf of court-involved children at every stage of their legal trajectories.

**Negative Impacts on System-Involved Receiving Special Education Services**

From years of working with system-involved youth across Los Angeles County, CJLP lawyers and advocates know that children involved in the juvenile justice system and children in foster care experience high rates of trauma and abuse. Research has demonstrated that this trauma significantly impacts the cognitive ability of these children to learn and regulate their behaviors without supports. Children in the juvenile justice system experience disabilities at more than 4 times the rate of the general population. Further, children in foster care experience disabilities at a higher rate than the typical population: up to 50% of all foster children have special education needs. Should Education Secretary DeVos be given the latitude to waive

special education rights for a significant period of the time this pandemic grips our country, the most vulnerable children in our society, juvenile justice involved youth and youth in foster care, will be significantly negatively impacted.

## **Stand Up for Children's Education Rights**

CJLP's education civil rights attorneys specialize in serving children in the juvenile justice and foster care systems. We work with children and families urgently needing the support and services special education offers. We have clients who, without the services in their Individual Education Programs, will not graduate from high school, a key marker of future success and an ability to contribute as a citizen. Other clients tell us that they are "finally learning how to read" as 11<sup>th</sup> graders due to the support special education provides. Still more clients receive the counseling support that they need to address their trauma through their IEPs; their connections with their service providers help them feel that school is a supportive and welcoming place. Imagine having to tell those clients that our government has decided to take away those services during this crisis and its aftermath, when they are most needed.

Instead, we to urge you to stand up for all students with disabilities during this crisis and **reject the provision included in the *Coronavirus Aid, Relief, and Economic Security Act (CARES Act)* that directs Secretary DeVos to provide a report on needed waivers under the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act of 1973.** Over 7 million children eligible under IDEA and 700,000 eligible under Section 504 of the Rehabilitation Act rely on these laws to receive special education supports and services.

While the COVID-19 outbreak has placed a tremendous and unprecedented strain on schools and districts, now is the time to embrace the IDEA's required partnership between schools and families to innovate, individualize, and if needed advocate for more resources to meet students' needs. It is not the time to abandon children through waivers which allow schools and districts to abdicate responsibility. We must help schools and families work together to find solutions that allow children to receive equitable access to an education and the services that support them without undoing all of their civil education rights.

We hope you will help schools by providing states with additional funding that can be used under the IDEA and other education laws. Teachers, school leaders, students, and their families all need tools for teaching and learning online and through other virtual methods. Schools can also be supported with funding to provide extended school year services to students and other compensatory services to make up for the services they have been unable to access during the pandemic.

## **Reject Attempts to Waive Special Education Rights**

Waiving special education rights will significantly impact children with disabilities and will devastate children with disabilities in the juvenile justice and foster care systems who have

already experienced abuse and trauma that further impacts their ability to learn. We respectfully request your continued support for students with disabilities and their families, who rely upon IDEA and Section 504 to have equitable access to an education.

Sincerely,



Megan Stanton-Trehan  
Director and Adjunct Professor  
Youth Justice Education Clinic  
The Center for Juvenile Law & Policy  
Loyola Law School



Vivian Wong  
Staff Attorney  
Youth Justice Education Clinic  
The Center for Juvenile Law & Policy  
Loyola Law School