

ALLIANCE
for **CHILDREN'S**
RIGHTS

Milbank

Milbank and The Alliance for Children's Rights Submit Letter to LAUSD Demanding Equity for Students with Disabilities and Special Needs

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LOS ANGELES, November 10, 2020 — In an effort to ensure that students with disabilities and special needs receive vital resources during and after the COVID-19 pandemic, nonprofit organization Alliance for Children's Rights ("the Alliance") and international law firm Milbank LLP submitted a [demand letter](#) on November 5, 2020 to the Los Angeles Unified School District ("LAUSD") and California Board of Education requesting detailed information on its plans for these students. The letter has 29 co-signatories, including a coalition of California legal, youth and disability advocacy groups.

The COVID-19 pandemic has affected every public school student in Los Angeles and has taken a disproportionate toll on over 80,000 students with disabilities and special needs, who have largely not received in-person assessments, ongoing or updated individualized education programs (IEPs), or in-person instruction since March 2020. Both federal and state laws require schools to conduct these assessments and implement IEPs, and these laws have remained in effect throughout the course of the pandemic. The California 2020-2021 state budget includes a one-time investment of \$5.3 billion for local educational agencies to address learning loss from COVID-19 school closures, with funds to be allocated on an equity basis to prioritize those in the greatest need.

Despite these mandates and funding from the state of California and the federal government, LAUSD has barely provided in-person instructional options or support to students who cannot access the curriculum through a computer screen. These students were not offered small cohort, in-person instruction as an option, as required by the California Legislature and approved by public health officials on September 4, 2020. And although LAUSD Superintendent Austin Beutner claimed in a November 2 update that the District has provided both online and in-person, one-on-one learning for students in need, Los Angeles families have experienced a more dire reality, where these services have been provided only in rare circumstances.

Accordingly, the Alliance is requesting detailed information from LAUSD and the California Department of Education as to how they plan to fulfill their promises and meet their legal obligations. The Alliance has asked how LAUSD will identify students needing special education, whether parents and caregivers have been engaged meaningfully through the process, the number and type of special education professionals who have agreed to provide these services, how they will ensure that all students can access these services, and how they will provide the required compensatory services.

Through its letter, the Alliance hopes to encourage a dialogue and open communication with families. They have requested a response by November 11, and although they fervently hope to avoid litigation, the Alliance and Milbank are prepared to seek expedited judicial intervention if it becomes necessary.

“Our request is simple: that the District fulfill its promise to meet the unique needs of students with disabilities and students who need special education, and that the District deploy the significant resources already provided by our state and federal governments to do so safely for all involved,” said Milbank partner and Alliance board member Alex G. Romain, who submitted the letter on behalf of the Alliance. “We hope that through our intervention we can help prevent irreparable loss in the educational development of tens of thousands of students with special needs.”

“We understand it is no small task to deliver equitable education in the middle of a pandemic, but there has been both time and funding to do so, with transparency and a full commitment both these kids’ needs and everyone’s health,” said Jennifer L. Braun, Esq., President and CEO of the Alliance.

The Milbank pro bono team representing the Alliance includes Mr. Romain, associates Elena Kilberg and Alexandra Achamallah, and law clerks Kristen Kido and David Louison. Representatives for the Alliance for Children’s Rights include Ms. Braun and Angie Schwartz, Vice President, Policy and Advocacy.

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ABOUT THE ALLIANCE FOR CHILDREN’S RIGHTS

The Alliance for Children’s Rights protects the rights of impoverished, abused, and neglected children and young adults impacted by foster care. By providing free legal representation and social services, and by advocating for broad solutions through ground-breaking child welfare policy reform, the Alliance clears barriers to stability and opportunity so that young people and families can access the support and services they need to thrive. For more information, visit allianceforchildrensrights.org.

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