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Legal Rights of Students in the Age of COVID

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Student Survey- Mr

1. In a word, describe school.

HELL

2. Write one word that describ



Student Rights in Public Schools

- School Districts are Government Agencies, and School Employees are Government Agents
- A School District's Relationship with a Student has Constitutional and Statutory Implications



Student Rights in Public Schools

- RCW 28A.150.200 addresses the requirements of Article IX, Section 1 of the Washington Constitution and the duty of the state regarding "... ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," as well as Article IX, section 2, which states that "The legislature shall provide for a general and uniform system of public schools."



Student Rights in Public Schools

- The State is required to Provide Education and Students have a Statutory Right and Obligation to Attend School (Compulsory Education)
- Students have a Protected Property Interest in Attending School, the Deprivation of Which Requires Due Process
- Students do not have a right to specific model of delivering educational services



Student Rights in Public Schools

- Students Who are Deprived of Attending School for Disciplinary Reasons are Entitled to Such Due Process (see WAC 392-400)
- Students Who are Deprived of Attending School for Disciplinary Reasons Cannot be Deprived of Educational Services While Serving a Suspension or Expulsion (SHB 1541 in 2016)



The Becca Law Background

- In 1993, 13-year old runaway Rebecca Hedman was murdered by a man in Spokane with whom she had agreed to have sex for money.
- Rebecca's parents had tried to bring their teenage daughter home several times and were frustrated by the state laws at the time that they believed did not provide parents' adequate recourse.



The Becca Law Background

- Rebecca's parents lobbied the Washington Legislature for a change in the law that would give parents and the police more control over teenage delinquents.
- In 1995, the Legislature passed the "Becca Bill" named after Rebecca Hedman which, in part, enforced the State's compulsory education laws



The Becca Law and Truancy

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- The Becca Bill now requires parents or legal guardians to make sure their children are in school regularly—full-time, every day—unless there is a valid excuse.
- If a student misses school without a valid excuse, the student can be considered “truant.”



The Becca Law and Truancy

- When a student is truant, schools are required to:
 - Notify the family;
 - Meet and work with the family and student to figure out why, and
 - Try different strategies to help improve the student's attendance.



COVID-19 and Schools

- COVID-19 infection and transmission concerns compelled Governor Inslee to temporarily close Washington schools on March 13, 2020, with a re-opening target of April 27. Schools scrambled to create distance-learning models for students and tried to determine how to deliver education in an equitable and comprehensive manner.
- On April 6, 2020, the Governor closed schools through June 19, for the remainder of the 2019-2020 student academic year.



COVID-19 and Schools

- As COVID-19 infection rates and numbers have leveled or spiked state and local health department recommendations have frustrated school district plans to implement the best possible services delivery model for students and families in a safe environment.
- Many school districts that planned to open the 2020-2021 school year in a form of in-person learning have been confronted with fluctuating transmission rates and recommendations that keep them in a remote learning model



The Becca Law and COVID

- In a pandemic when schools are providing educational service through distance or remote learning, school “attendance” can be more difficult to monitor or enforce.
- Truancy and obligations under the Becca Law in the age of remote learning may be less of a priority



The Becca Law and COVID

- Schools may not have a good understanding of which students are still enrolled in the District—many families have selected other educational options during this time.
- For students who still remain enrolled in the District there may not be a good understanding of why a student is not participating (e.g., technology challenges, parental misunderstanding, etc.)



The Becca Law and COVID

- Benefits during remote learning in tracking truancy
 - Parental involvement and communication is essential in educational success
 - Students are entitled to the benefits of a system intended to hold them accountable
 - Students will ultimately suffer for a failure to address truancy



Questions?

