



Arlington Schools curb learning in the name of ‘equity’

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The schools in Arlington County, Virginia are refusing to teach children new concepts, out of a concern for “equity.” The schools are physically closed due to coronavirus, but students have been doing their assignments from home using their school-issued electronic devices. The schools are apparently afraid that students will learn differently during the school closures if they come from different home environments, or have different abilities.

In **an April 9 email**, Arlington’s schools notified parents that their kids won’t be taught any new “concepts” during the remainder of this academic year. Instead, during the school closures, students’ “learning plans” will “focus on previously introduced learning from” the prior academic quarters when they were physically in school. They will be taught the same things all over again.

So until the end of this academic year, students will receive only a repetitive, low-quality education. That violates kids’ right to be given a quality education, on a continual basis, under the Virginia Constitution. Article I, § 15 of the state constitution **mandates** a “system of free public ... schools for all children of school age throughout the Commonwealth,” to ensure that “an educational program of high quality is continually maintained.”

Coronavirus is a good reason for physically closing the schools — but not for preventing students from learning at home. Especially not when teachers are still being paid to assign students work and correct it, and federal education dollars are still **flowing** to the state of Virginia to enable its education system to function.

The Arlington schools **admit** that “students in grades 3-12 have their own devices, which allows us to deliver learning opportunities to them in a streamlined and efficient manner.” Despite that, the schools **say** they won’t teach students any concepts they haven’t already been taught before: “As part of our commitment to ensuring equity of access to new learning for all students, concepts that students would have normally learned during the fourth quarter will be introduced in September, at the start of the 2020-21 school year.”

This restriction on learning is terribly misguided. “Equity” is no reason to deprive kids of an education. The fact that a few students may not be able to learn at home because of a bad home environment is not an excuse to deprive other students — the vast majority of students — of the

opportunity to learn new things. In other school systems, students continue to be taught — and graded on — new concepts, such as my nephew’s school in the Midwest.

It is conceivable that the school system’s reference to “equity” is an allusion to federal laws about civil rights or disabled rights. But the Education Department **says** nothing in federal law prevents distance learning or learning at home — not the federal civil-rights laws, and not the Individuals with Disabilities Education Act, which some misguided activists have sought to use to **prevent** distance learning. It makes that clear in guidance you can find **at this link**.

Moreover, the Education Secretary has explicitly told school officials that they should teach new material, not just subjects they previously covered. According to **Education Week**,

Despite the challenges that the coronavirus has placed on schools, U.S. Secretary of Education Betsy DeVos believes that schools must try to ensure students don’t just go over old coursework if they’re forced to stay home.

As schools quickly shifted to online learning, some have encouraged teachers to largely review material they had previously covered, due to concerns that students with barriers like inadequate internet access might miss a chance to master new concepts.

The Education Department’s guidance about the permissibility of distance learning is **right**, as the Cato Institute’s Walter Olson **notes**. But even if it is wrong, the proper response by Virginia school officials would be to seek a waiver of any federal requirements interfering with distance learning — not to just give up and stop educating their students.

The coronavirus relief law signed by President Trump on March 27 expands states’ ability to seek waivers of federal requirements. As **Education Week reports**,

The massive economic aid package passed by Congress and signed by President Donald Trump in response to the coronavirus pandemic directs billions in federal funding to shore up K-12 education budgets, and also gives states and schools new avenues to seek waivers from federal mandates from U.S. Secretary of Education Betsy DeVos.

This expanded ability to seek waivers is not limitless. For example, it does not allow the Education Department to waive “**civil rights laws**.”

But the coronavirus law does show Congress’s potential willingness to relax such laws on a temporary basis. It instructs the Education Secretary to report to Congress on any “additional waivers the Secretary believes are necessary to be enacted into law under the Individuals with Disabilities Education Act” and other disabled-rights laws to provide “flexibility to States and local educational agencies” in educating “students with disabilities.”

So if Arlington school officials worry that the IDEA statute prevents distance learning, they should tell the Education Secretary, so the Secretary can either explain to them why it doesn’t, or ask Congress to waive any requirements in the IDEA that do.

What local school officials should *not* do is passively cite “equity” as an excuse not to educate their students. It is their duty under the Virginia constitution to try to provide a “high quality” education on a continuing basis.

This duty is not trumped by the IDEA. **It just says** that *if* state and local governments want federal education money, *then* they have to provide an appropriate education for disabled

students. It imposes additional requirements on school systems, but it does not relieve them of their obligations to their students under state law.