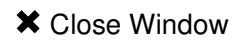


U.S. Department of Education



Key Policy Letters Signed by the Education Secretary or Deputy Secretary

[en español \(/policy/gen/guid/secletter/220719-es.html\)](/policy/gen/guid/secletter/220719-es.html)

July 19, 2022

To our Nation's Educators, School Leaders, Parents, and Students:

In recognition of the extraordinary challenges school communities face as the nation continues to grapple with the impact of the pandemic, I write to highlight key resources and information from the Department to support you. We know that students and families have experienced ongoing trauma over recent years—from economic hardships to the significant impacts of the pandemic on students' emotional and mental well-being and academic progress. Educators and families have been on the front lines of helping their school communities navigate these challenges.

Thank you for your resilience and commitment.

Entire school communities benefit when all students feel safe, seen, and supported. It's also vital to recognize that — while academic learning is crucial — students will struggle to succeed in school if they are not given opportunities to develop their social and emotional skills, like collaborating with others, persisting through challenging tasks, and managing conflict. The Department is committed to protecting our students' well-being, and we recognize that a strong foundation in building healthy and productive relationships with others helps students thrive. The Department has taken steps to address the needs of schools by providing substantial resources to support the challenging work of setting all students up for success and meeting their academic, behavioral, and mental health needs.

This letter shares information about resources from the Department that may be useful in supporting the needs of students with disabilities in particular, including tools for schools to assist students in addressing any disability-based behaviors that could otherwise interfere with their or other students' learning, or that could lead to student discipline or impact safety. The Department recognizes and appreciates school administrators, teachers, and educational staff across the nation who work to provide a safe, positive, and nondiscriminatory education environment for all students, teachers, and other school staff. Schools need not choose between keeping their school community—including students and school staff—safe and complying with the law.

Supporting students' success is a top priority for the Biden Administration. And Congress has made historic investments to support young people's mental health and well-being through the American Rescue Plan (ARP). The Department has distributed \$130 billion in ARP funding to states and schools to help implement programming and processes to address the impacts of the pandemic. We have heard the call from educators and school leaders about the need for hiring and retaining more school counselors and building a sustainable

infrastructure for school-based mental health programs and services, among other needs.

President Biden has called on states, school districts, and communities to use ARP Elementary and Secondary School Emergency Relief (ARP ESSER) and other ARP funds to ensure that our schools are fully staffed, including with mental health professionals, and to provide students with the high-quality tutoring, afterschool and summer learning, and enrichment proponents that support students learning and their overall well-being. As the Department has explained, ARP funds are a key resource to address students' needs resulting from the pandemic.¹ To support the President's call to action and the needs of students, in July 2022, the Department announced the Engage Every Student Initiative, which will help communities utilize ARP funds to ensure that every child who wants to participate in afterschool and summer learning programs has the opportunity to access these important programs.² Additionally, the Department is partnering with AmeriCorps and other organizations to launch the National Partnership for Student Success, which will leverage ARP funds to provide students with an additional 250,000 tutors, mentors, integrated student support coordinators, student success coaches, and post-secondary transition coaches over the next three years.³ With this funding, schools can help their students achieve meaningful academic and behavioral progress.

To support schools in addressing the various impacts of the pandemic on students and their communities, the Department has released a series of handbooks (Volume 1 (<https://www2.ed.gov/documents/coronavirus/reopening.pdf>), Volume 2 (<https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>), and Volume 3 (<https://www2.ed.gov/documents/coronavirus/reopening-3.pdf>)) providing evidence-based strategies for ensuring that schools can remain open safely and fully meet students' needs. These handbooks explain how ARP funds can be used to meet students' needs and support staff while providing a safe and welcoming learning environment. For example, funds can be used to stabilize a diverse and qualified educator workforce and to support educator and staff well-being, such as through implementing strategies to ease educator workloads, providing professional development and wellness resources to staff, and developing peer support systems for educators and school leaders. Funds also support academic and mental health services for students.

Additionally, a key component of supporting schools is ensuring they have information and guidance about their obligations under federal civil rights laws that prohibit discrimination by states, local educational agencies, and schools that receive federal funds. Earlier this year, the Department's Office for Civil Rights (OCR) issued a fact sheet on how schools can ensure that students with disabilities receive a free appropriate public education during the pandemic and beyond, including by providing compensatory services under Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability, as appropriate.⁴

Today, to fully support schools in providing every student with equal educational opportunity, OCR released guidance to help public elementary and secondary schools fulfill their responsibilities to meet the needs of students with disabilities and avoid the discriminatory use of student discipline under Section 504.⁵

In addition, the Department's Office of Special Education and Rehabilitative Services (OSERS) has issued guidance and a resource guide to support the efforts of state educational agencies and local educational agencies to fulfill their obligations to appropriately meet the needs of children with disabilities under the Individuals with Disabilities Education Act, including the appropriate use of student discipline.⁶

I hope you will find the resources provided in this letter and available on our website useful. The Department stands ready as a partner and resource in achieving the shared goal of ensuring that students have access to equal educational opportunity in safe and welcoming school environments. Thank you for your commitment to this effort.

Sincerely,

/s/

Miguel A. Cardona, Ed.D.

U.S. Secretary of Education

1. See U.S. Department of Education Fact Sheet, American Rescue Plan Act of 2021, Elementary and Secondary School Emergency Relief Fund (ARP ESSER), https://oese.ed.gov/files/2021/03/FINAL_ARP-ESSER-FACT-SHEET.pdf (https://oese.ed.gov/files/2021/03/FINAL_ARP-ESSER-FACT-SHEET.pdf).
2. July 14, 2022, Press Release, U.S. Department of Education Announces Engage Every Student Initiative to Ensure Every Student Has Access to High-Quality Learning, <https://www.ed.gov/news/press-releases/us-department-education-announces-engage-every-student-initiative-ensure-every-student-has-access-high-quality-learning> (<https://www.ed.gov/news/press-releases/us-department-education-announces-engage-every-student-initiative-ensure-every-student-has-access-high-quality-learning>).
3. Fact Sheet: Biden-Harris Administration Launches National Effort to Support Student Success (July 5, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/07/05/fact-sheet-biden-harris-administration-launches-national-effort-to-support-student-success/> (<https://www.whitehouse.gov/briefing-room/statements-releases/2022/07/05/fact-sheet-biden-harris-administration-launches-national-effort-to-support-student-success/>).
4. OCR, Providing Students with Disabilities Free Appropriate Public Education During the COVID-19 Pandemic and Addressing the Need for Compensatory Services Under Section 504, <https://www2.ed.gov/about/offices/list/ocr/docs/fape-in-covid-19.pdf> (<https://www2.ed.gov/about/offices/list/ocr/docs/fape-in-covid-19.pdf>).
5. OCR, Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973 (July 19, 2022), <https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf> (<https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf>).
6. OSERS, Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions (July 19, 2022), <https://sites.ed.gov/idea/files/qa-addressing-the-needs-of-children-with-disabilities-and-idea-discipline-provisions.pdf> (<https://sites.ed.gov/idea/files/qa-addressing-the-needs-of-children-with-disabilities-and-idea-discipline-provisions.pdf>).



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