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## What COVID-19 Is Revealing about NYC Schools: Are We Learning Our Lessons?

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# WHAT COVID-19 IS REVEALING ABOUT NYC SCHOOLS: ARE WE LEARNING OUR LESSONS?

*Benita R. Miller\* & Anne Williams-Isom\*\**

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## INTRODUCTION

By early March 2020, the impact of COVID-19 changed the way New Yorkers navigated the bustling city with such speed that the ever-changing narrative and safety precautions caused anxiety, distrust, and finger pointing among public officials. The City’s vast school system, which serves more than 1.1 million students,<sup>1</sup> became a

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1. See *DOE Data at a Glance*, N.Y.C. DEP’T EDUCATION, <https://www.schools.nyc.gov/about-us/reports/doe-data-at-a-glance> [https://perma.cc/V5B6-RV4M] (last visited Oct. 20, 2020).

focus of concern for parents, teachers, and the general public as more districts across the nation moved to remote learning platforms or ended the school year early.

Initially, pundits and government officials alike, including New York State Governor Andrew Cuomo, referred to COVID-19 as “the great equalizer.”<sup>2</sup> But this could not be further from the truth. The spread of COVID-19 has revealed extensive inequities in our country. The data confirms what many have suspected. While COVID-19 is attacking all of us at our core, it still has a disparate impact on Black and Brown communities in our country. The impact has been most notable at the intersections of class and education equity.<sup>3</sup>

This Essay takes a critical look at what stakeholders had to endure once the Mayor and the Chancellor decided to switch to remote learning. It sheds some light on how the most vulnerable communities, families, and students fared during this time. Part I discusses the inequities in New York public schools before the pandemic, which made for a very fragile safety net for some students. It also describes how the pandemic has had a disparate impact on many Black and Latinx families and is pushing them further into crisis by exacerbating existing health and economic inequalities. This Essay argues that the City’s response was inadequate and, in some cases, made matters worse and will have a long-term, negative impact on students. In Part II, this Essay highlights a resilient school community that worked to ensure that its families were safe and children continued to be educated. Part III offers clear recommendations for leaders as we make our way through the pandemic with no real end in sight.

## I. EDUCATION INEQUITY IN NEW YORK CITY

Across our nation, education and children advocates have opined that a high-quality education helps lift children out of poverty by providing them with the tools and resources to compete with their more affluent peers.<sup>4</sup> Unfortunately, even before the numerous

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2. See Andrew Cuomo (@NYGovCuomo), TWITTER (Mar. 31, 2020, 12:13 PM), <https://twitter.com/NYGovCuomo/status/1245021319646904320> [<https://perma.cc/SM6T-QWPD>].

3. See Tiffany Ford, Sarah Reber & Richard V. Reeves, *Race Gaps in COVID-19 Deaths Are Even Bigger Than They Appear*, BROOKINGS (June 16, 2020), <https://www.brookings.edu/blog/up-front/2020/06/16/race-gaps-in-covid-19-deaths-are-even-bigger-than-they-appear/> [<https://perma.cc/9VAZ-523R>].

4. See, e.g., David Rhode, Krista Cooke & Himanshu-Ojha, *The Decline of the ‘Great Equalizer,’* ATLANTIC (Dec. 19, 2012), <https://www.theatlantic.com/business/archive/2012/12/the-decline-of-the-great-equalizer/266455/> [<https://perma.cc/KJ2F-SEZB>].

challenges the pandemic laid bare, New York City children have been situated in classrooms where their families' economic resources and social capital dictate their access to a sound education in a racially and ethnically diverse setting.<sup>5</sup> More than 400,000 New York City children live in households below the federal poverty guidelines, many in single-parent households, and most concentrated in certain Bronx and Brooklyn neighborhoods.<sup>6</sup> "Across the public school system, the number of students in temporary housing has reached a crisis level, and school segregation along racial [and] ethnic lines is widespread."<sup>7</sup>

Meanwhile, New York City screens children for admission to its public schools more than any school district in the country.<sup>8</sup> Screened schools admit students based on criteria such as test scores, interviews, attendance records, and grades,<sup>9</sup> and more elite schools in the system base admission solely on the Specialized High School Admissions Test (SHSAT).<sup>10</sup> The consequence of this system is that highly resourced selective schools are difficult to access,<sup>11</sup> for many of the system's children do not come from households resourced in ways that would open up opportunities to them. For instance, when it comes to screened schools, if one was looking solely at attendance, but a student lived in temporary housing and experienced higher tardiness rates than

5. See Eliza Shapiro, *Segregation Has Been the Story of New York City's Schools for 50 Years*, N.Y. TIMES (Mar. 26, 2019), <https://www.nytimes.com/2019/03/26/nyregion/school-segregation-new-york.html> [https://perma.cc/9BKJ-ZGBM].

6. See CITIZENS' COMM. FOR CHILD. OF N.Y., KEEPING TRACK OF NEW YORK CITY'S CHILDREN: 2020, at 11 (2020), [https://www.ccnyc.org/wp-content/uploads/2020/03/2020-CCC-Keeping-Track\\_forweb.pdf](https://www.ccnyc.org/wp-content/uploads/2020/03/2020-CCC-Keeping-Track_forweb.pdf) [https://perma.cc/TE7M-9WFJ].

7. *Id.* at 27.

8. See Sean P. Corcoran, Dora Galacatos & Laura Petty, *Better High-School Admissions: Coronavirus Gives NYC Public Schools an Opportunity for Reinvention*, N.Y. DAILY NEWS (May 25, 2020, 5:00 AM), <https://www.nydailynews.com/opinion/ny-oped-better-high-school-admissions-20200525-3bgu22tuj5cabhdplsz3e2bmxy-story.html> [https://perma.cc/L672-U2KC].

9. See FEERICK CTR. FOR SOC. JUST., SCREENED OUT: THE LACK OF ACCESS TO NYC SCREENED PROGRAM ADMISSIONS CRITERIA 3 (2019), [https://www.fordham.edu/download/downloads/id/13801/screened\\_out\\_the\\_lack\\_of\\_access\\_to\\_nyc\\_screened\\_program\\_admissions\\_criteria.pdf](https://www.fordham.edu/download/downloads/id/13801/screened_out_the_lack_of_access_to_nyc_screened_program_admissions_criteria.pdf) [https://perma.cc/Q73D-RQ9D].

10. See Eliza Shapiro, *This Year, Only 10 Black Students Got into N.Y.C.'s Top High School*, N.Y. TIMES (Mar. 19, 2020), <https://www.nytimes.com/2020/03/19/nyregion/nyc-schools-numbers-black-students-diversity-specialized.html> [https://perma.cc/YW9B-YU2L].

11. See *generally* NEW SCH. CTR. FOR N.Y.C. AFFS., SCREENED SCHOOLS: HOW TO BROADEN ACCESS AND DIVERSITY (2019), [https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5c646527e4966bc3e4a944bb/1550083369758/Screened\\_Schools.pdf](https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5c646527e4966bc3e4a944bb/1550083369758/Screened_Schools.pdf) [https://perma.cc/SFR4-VN3B].

a peer living in more stable housing, then they would not be accepted. In 2019, only 4% of offers to Specialized High Schools (SHS) went to Black students and 6.6% went to Hispanic students,<sup>12</sup> even though Black and Hispanic students make up almost 70% of enrollment citywide.<sup>13</sup> By contrast, a majority of offers to the SHS went to white (25.1%) and Asian students (54%).<sup>14</sup>

A recent *New York Times* podcast “Nice White Parents”<sup>15</sup> explored the influence of the minority white families that are part of the school system yet have an outsized impact on the system’s directional aim. This influence is not limited to just the SHS but is even more pervasive in the lower grades, especially in terms of accessing gifted and talented programs as well as screened middle schools.<sup>16</sup>

Prior to the pandemic, New York City Schools Chancellor Richard Carranza promoted efforts to increase Black and Latinx students’ access to the education system’s elite programs but received insurmountable community pushback and lukewarm support from the administration.<sup>17</sup> Namely, Carranza attempted to provide greater access to the elite pockets of the system to low-income Black and Latinx children, but no significant pipelines to these opportunities have

12. Christina Veiga, *As Admissions Controversy Roils, Data Shows New York City’s Specialized High Schools Continue to Accept Few Black and Hispanic Students*, CHALKBEAT N.Y. (Mar. 18, 2019, 4:30 PM), <https://ny.chalkbeat.org/2019/3/18/21107111/as-admissions-controversy-roils-data-shows-new-york-city-s-specialized-high-schools-continue-to-accept-few-black-and-hispanic-students> [https://perma.cc/7XTD-D4Q6].

13. See *DOE Data at a Glance*, *supra* note 1.

14. See Christina Veiga, Alex Zimmerman & Reema Amin, *Only 10 Black Students Offered Admission to Stuyvesant, as Efforts to Integrate NYC’s Specialized High Schools Flounder*, CHALKBEAT N.Y. (Mar. 19, 2020, 3:30 PM), <https://ny.chalkbeat.org/2020/3/19/21196079/only-10-black-students-offered-admission-to-stuyvesant-as-efforts-to-integrate-nyc-s-specialized-high-schools-flounder> [https://perma.cc/4BFQ-GMKS].

15. See *Introducing: Nice White Parents*, N.Y. TIMES (Aug. 31, 2020), <https://www.nytimes.com/2020/07/23/podcasts/nice-white-parents-serial.html> [https://perma.cc/X32T-QCPV].

16. See Matt Welch, *Diversity Experiment Guinea Pigs: In Brooklyn, My Child’s Classmates Are Living with the Difficult Consequences of District 15’s New Policies*, N.Y. DAILY NEWS (Apr. 17, 2019, 1:29 PM), <https://www.nydailynews.com/opinion/ny-oped-diversity-experiment-guinea-pigs-2019-04-17-u3kk6pjjivg55hxt4mxmctv3xu-story.html> [https://perma.cc/5D8F-5EPL].

17. See Eliza Shapiro, *Desegregating N.Y. Schools Was His Top Priority. What Happened?*, N.Y. TIMES (Aug. 23, 2019), <https://www.nytimes.com/2019/08/23/nyregion/nyc-schools-chancellor-carranza-.html> [https://perma.cc/63RS-T6TW].

since opened up.<sup>18</sup> More importantly, the overall system has not made new inroads to better serve these children.

### A. Inequities Exacerbated by the Pandemic

When COVID-19 first reached New York City, despite public calls to shift the system to a remote platform in order to curb the spread of the virus, Mayor Bill de Blasio resisted, arguing that essential workers, such as healthcare providers, needed a place for their children to be during the workday.<sup>19</sup> The Mayor also raised concerns about low-income children going without their free or reduced-price school meals.<sup>20</sup>

As public outcry and pressure grew, de Blasio eventually relented and, in what Carranza called a “sobering moment,” moved the system to remote learning, in which students shifted to online learning platforms.<sup>21</sup> But the ability for families to shift to such platforms largely depended on their access to technology and teachers having the capacity to translate curriculum online.<sup>22</sup> Because of this inequality, remote education efforts have taken a variety of forms across the district.<sup>23</sup>

During the press conference announcing the closure, the Mayor shared the City’s intent to partner with several technology firms to get devices into the hands of families that lacked access to technology.<sup>24</sup>

18. *See id.*

19. *See* Michael Elsen-Rooney & Leonard Greene, *School’s Still in Session: NYC’s Mayor de Blasio Won’t Cut Classes Amid Coronavirus Concerns*, N.Y. DAILY NEWS (Mar. 13, 2020, 7:03 PM), <https://www.nydailynews.com/new-york/ny-coronavirus-city-state-schools-20200313-dqniqxivdzfe7kzjcyuzfz4bm-story.html> [<https://perma.cc/2P87-53WD>].

20. *See* John Bowden, *De Blasio Announces NYC Schools Will Close Due to Coronavirus*, HILL (Mar. 15, 2020, 5:41 PM), <https://thehill.com/homenews/state-watch/487693-de-blasio-announces-nyc-schools-will-close-due-to-outbreak> [<https://perma.cc/F2WB-GS4F>].

21. *See* Marta Zielinska, *Carranza Calls Closure of NYC Schools a ‘Sobering Moment,’* WCBS NEWSRADIO 880 (Mar. 16, 2020, 9:12 AM), <https://www.radio.com/wcbs880/articles/news/nyc-prepare-to-roll-out-remote-learning-as-schools-close> [<https://perma.cc/ZC8J-LGYA>].

22. *See* Letter from Sherrilyn Ifill, President-Dir. Couns., NAACP Legal Def. & Educ. Fund, to Internet Serv. Providers (July 30, 2020), <https://www.naacpldf.org/wp-content/uploads/2020-07-30-LDF-Letter-to-Internet-Providers.pdf> [<https://perma.cc/7T8F-VETY>]; *Students of Color Caught in the Homework Gap*, FUTURE READY SCHS., <https://futureready.org/homework-gap/#facts> [<https://perma.cc/79YU-VBDJ>] (last visited Oct. 21, 2020).

23. *See* Zielinska, *supra* note 21.

24. *See* Lauren Feiner, *How NYC Moved the Country’s Largest School District Online During the Coronavirus Pandemic*, CNBC (Apr. 5, 2020, 12:23 PM),

Reportedly, the distribution of devices and access to broadband has been spotty and, in some instances, non-existent — especially for students living in temporary housing or in need of special education services.<sup>25</sup>

The challenges are perplexing given that early in 2014, during de Blasio's first term, he appointed Minerva Tantoco as the City's first-ever Chief Technology Officer (CTO).<sup>26</sup> Tantoco "direct[ed] the Mayor's Office of Technology and Innovation . . . with responsibility for the development and implementation of a . . . citywide strategy on technology and innovation."<sup>27</sup> Current CTO John Paul Farmer was noticeably absent from the discussion on remote learning and equitable access to technology.<sup>28</sup>

The stress and pressure on low-income families during the pandemic has come from numerous sources.<sup>29</sup> Experts could have expected that a pandemic would disrupt the economic security of low-wage earners, that keeping children out of school for an extended period of time would cause some learning loss, and that experiencing a racial reckoning in the United States after the brutal murder of George Floyd in Minneapolis would elicit anger and pain for many. However, they could not have anticipated that all of this would be happening at the same time. The combined impacts of the pandemic and the struggle

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<https://www.cnn.com/2020/04/03/how-nyc-public-schools-are-shifting-online-during-the-coronavirus.html> [<https://perma.cc/FS3P-Y9QX>].

25. See Alex Zimmerman & Jessica Gould, *5 Weeks into Online Learning, NYC Is Still Racing to Get Thousands of Devices to Students*, CHALKBEAT N.Y. (Apr. 25, 2020, 1:06 PM), <https://ny.chalkbeat.org/2020/4/25/21236279/students-lack-devices-nyc-schools-coronavirus> [<https://perma.cc/MGY7-3SGE>].

26. See *Mayor de Blasio Announces Minerva Tantoco as City's First Ever Chief Technology Officer*, OFF. MAYOR, CITY OF N.Y. (Sept. 9, 2014), <https://www1.nyc.gov/office-of-the-mayor/news/437-14/mayor-de-blasio-minerva-tantoco-city-s-first-ever-chief-technology-officer> [<https://perma.cc/8KM9-G93R>].

27. *Id.*

28. See Sophia Chang, Jessica Gould & David Cruz, *Schools Update: Remote Learners at City's Homeless Shelters Still Struggle to Get Internet Access*, GOTHAMIST (Oct. 13, 2020, 12:15 PM), <https://gothamist.com/news/schools-update-first-day-random-covid-19-testing-city-schools-shows-low-positivity-rate> [<https://perma.cc/76M3-9HC3>].

29. See Kelly Glass, *Black Families Were Hit Hard by the Pandemic. The Effects on Children Will Be Lasting.*, N.Y. TIMES (July 1, 2020), <https://www.nytimes.com/2020/06/29/parenting/coronavirus-black-children-inequality.html> [<https://perma.cc/UK2B-9MEK>].

for racial justice on many low-income families in New York City were compounded by the deaths of friends and family due to COVID-19.<sup>30</sup>

“The pandemic is exacerbating the existing health and economic inequalities for Black families and is subsequently worsening the future outlook for Black children . . . .”<sup>31</sup> Nationwide, “32 percent of Black children live in poverty, compared with 11 percent of white children and 26 percent of . . . [Latinx] children.”<sup>32</sup> An analysis by the Center of Poverty and Social Policy at Columbia University found that “working-age adults, children[,] and Black Americans will fall below the poverty line at the highest rates as a result of the coronavirus pandemic’s economic effects.”<sup>33</sup> It is estimated that over 1.7 million Black women are currently unemployed due to the pandemic.<sup>34</sup> This is particularly relevant because the vast majority of Black mothers are the primary breadwinners for their household — more than twice as likely as white mothers and more than 50% more likely than Latinx mothers to be either the sole providers in a single-parent household or married and bringing in the same amount or more than their partners.<sup>35</sup> Black families tend to have one-tenth the wealth of white families, which becomes particularly relevant during a pandemic when families do not have access to emergency funds.<sup>36</sup> Families have also suffered from food scarcity. “Black and Hispanic people are much more likely to reside in food deserts than their white counterparts, even after controlling for factors such as poverty.”<sup>37</sup> Research also shows that in

30. See *Segregation Is Killing Us . . .*, TERRITORIAL EMPATHY (July 29, 2020), <https://storymaps.arcgis.com/stories/b9d7b073400c4c18950469ef79efe98a> [<https://perma.cc/825M-TFAX>].

31. Glass, *supra* note 29.

32. *Id.*

33. *Id.*

34. See *id.*

35. See Sarah Jane Glynn, *Breadwinning Mothers Continue to Be the U.S. Norm*, CTR. FOR AM. PROGRESS (May 10, 2019, 5:17 PM), <https://www.americanprogress.org/issues/women/reports/2019/05/10/469739/breadwinning-mothers-continue-u-s-norm/> [<https://perma.cc/36JG-GAE9>].

36. See Glass, *supra* note 29. In addition to food and basic household needs like diapers, families needed funds for emergencies during the pandemic related to housing, health care, and in some cases, funeral costs. See *id.*; Lisa Song & Yeganeh Torbati, *Grieving Families Need Help Paying for COVID-19 Burials, but Trump Hasn’t Released the Money*, PROPUBLICA (Apr. 29, 2020, 2:51 PM), <https://www.propublica.org/article/fema-burial-relief-coronavirus> [<https://perma.cc/8T3X-CFSN>]; Jessica Wapner, *COVID-19: Medical Expenses Leave Many Americans Deep in Debt*, BMJ (Aug. 14, 2020), <https://www.bmj.com/content/370/bmj.m3097> [<https://perma.cc/2EAT-UYWV>].

37. Connor Maxwell, *The Coronavirus Crisis Is Worsening Racial Inequality*, CTR. FOR AM. PROGRESS (June 10, 2020, 12:56 PM),



some communities, multiple family members are being affected by COVID-19, which leaves children and families in more traumatic situations; a recent study revealed how many Black and Latinx children in New York State have lost a parent or will slip into poverty as a result of the pandemic.<sup>38</sup>

“Children living in low-income, . . . overcrowded, or less-safe neighborhoods are more likely to experience toxic stress from exposure to violence, homelessness, and economic insecurity that interfere with emotional health and learning . . .”<sup>39</sup> Stress can have additional consequences. Reports of child abuse in New York City have dropped sharply since the COVID-19 crisis, possibly leaving children in unsafe situations.<sup>40</sup> Additionally, “[c]alls to New York’s domestic violence hotline rose by 30% in April [2020], compared to the same month [in 2019].”<sup>41</sup> As a result of all of these compounding factors, COVID-19 will affect children for a generation.<sup>42</sup> These children are at risk for higher rates of high blood pressure, heart disease, diabetes, and other health problems.<sup>43</sup> Additionally, working parents often do not have the time to educate or do homework with their children at home. For this reason, before the pandemic, one of the goals in many high-quality after-school programs was to have homework completed before children got home. Research has shown that the increased reliance on homework actually widens the

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<https://www.americanprogress.org/press/release/2020/06/10/486070/release-new-data-shows-coronavirus-crisis-worsened-racial-inequities/> [<https://perma.cc/297F-R9QS>].

38. See SUZANNE C. BRUNDAGE & KRISTINA RAMOS-CALLAN, UNITED HOSP. FUND, COVID-19 RIPPLE EFFECT: THE IMPACT OF COVID-19 ON CHILDREN IN NEW YORK STATE (2020), <https://uhfnyc.org/publications/publication/covid-19-ripple-effect-impact-covid-19-children-new-york-state/> [<https://perma.cc/PC4C-BCXJ>].

39. Richard Rothstein, *The Coronavirus Will Explode Achievement Gaps in Education*, ECON. POL’Y INST. (Apr. 14, 2020, 1:16 PM), <https://www.epi.org/blog/the-coronavirus-will-explode-achievement-gaps-in-education/> [<https://perma.cc/8Y96-TU2Z>].

40. See Nikita Stewart, *Child Abuse Cases Drop 51 Percent. The Authorities Are Very Worried.*, N.Y. TIMES (Aug. 7, 2020), <https://www.nytimes.com/2020/06/09/nyregion/coronavirus-nyc-child-abuse.html> [<https://perma.cc/QN77-GPNN>].

41. Carter Sherman, *New York Is Seeing a ‘Frightening’ Increase in Domestic Violence Calls*, VICE NEWS (May 1, 2020, 2:32 PM), [https://www.vice.com/en\\_us/article/5dmn8x/new-york-is-seeing-a-frightening-increase-in-domestic-violence-calls](https://www.vice.com/en_us/article/5dmn8x/new-york-is-seeing-a-frightening-increase-in-domestic-violence-calls) [<https://perma.cc/HCH6-47W5>].

42. See David R. Williams, *Stress Was Already Killing Black Americans. Covid-19 Is Making It Worse.*, WASH. POST (May 13, 2020, 3:14 PM), <https://www.washingtonpost.com/opinions/2020/05/13/stress-was-already-killing-black-americans-covid-19-is-making-it-worse/> [<https://perma.cc/8SDC-MWJZ>].

43. See *id.*

achievement gap, as it leaves children whose parents cannot help with homework only further behind.<sup>44</sup>

### B. The City's Response Was Inadequate

Before the pandemic, 300,000 students in New York City lived in homes with no computers.<sup>45</sup> To implement remote learning, the New York City Department of Education (DOE) distributed 255,000 internet-enabled iPads and 175,000 school laptops, tablets, and Chromebooks.<sup>46</sup> But this was not enough for students who had no high-speed internet service at home.<sup>47</sup>

Teachers also needed to be trained on how to use the technology. Toward the end of March 2020, Carranza briefly closed schools to give teachers a crash course on the basic skills needed to get children online and learn.<sup>48</sup> While this step was important, some crucial considerations were missing. For example, very little attention was given to how student engagement and classroom management might be different online.<sup>49</sup> In addition, teachers had to deal with an increase in the social and emotional needs of their students, especially in Black and Latinx communities.<sup>50</sup>

Altogether, while shutting the almost 1,900 public schools helped stem the spread of the virus, the health benefits of remote instruction came with educational trade-offs. The real impact of replicating schools in homes that are diversely resourced in terms of economic and social structures will be disparate learning loss for vulnerable students and a consequent widening of achievement gaps.<sup>51</sup> “For students in

44. See Rothstein, *supra* note 39.

45. See *id.*

46. See Sarah Jaffe, *How the New York City School System Failed the Test of Covid-19*, NATION (June 16, 2020), <https://www.thenation.com/article/society/schools-teachers-covid/> [https://perma.cc/835U-D5NT].

47. See Annie McDonough, *Remote Learning Challenges Will Likely Continue in New York*, CITY & ST. N.Y. (Aug. 30, 2020), <https://www.cityandstateny.com/articles/policy/education/remote-learning-challenges-will-likely-continue-new-york.html> [https://perma.cc/E6JS-HP8X].

48. See Jennifer Bislam, *NYC Teachers Train in Remote Learning After School Closures*, PIX11 (Mar. 16, 2020, 8:10 PM), <https://www.pix11.com/news/coronavirus/nyc-teachers-train-in-remote-learning-after-school-closures> [https://perma.cc/36GX-GGX4].

49. See generally Feiner, *supra* note 24.

50. See *id.*

51. See Maria Ferguson, *Analysis: Education and Litigation Have a Long History. The Challenges of Teaching & Reopening School in a Pandemic Make Lawsuits Even More Likely*, 74 (June 23, 2020),

some states, [COVID-19 school closures] could last for almost half the school year.”<sup>52</sup> In typical school years, the educational gap widens between children depending on affluence and access to stimulating activities during the summer months.<sup>53</sup> Hopefully, all New York City students will have the ability to attend summer school during the summer of 2021 to make up for lost time. Unfortunately, during the summer of 2020, many of the students required to attend virtually failed to log in, making it even more critical that there is an effort to accelerate learning next year.<sup>54</sup> Generally, middle- and upper-class children have summers filled with enrichment activities that deepen and reinforce their knowledge and experience while children from families with lower incomes do not.<sup>55</sup> “The larger gap shows up in test scores, but also in less easily quantifiable areas [such as collaborative and interpersonal skills] that are particularly valued in higher education, professional workplaces, and civic life.”<sup>56</sup> Even limited access to experiences, such as outdoor play, summer school, and camp, was impacted by cuts due to pandemic-related strains on local

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<https://www.the74million.org/article/analysis-education-and-litigation-have-a-long-history-the-challenges-of-teaching-reopening-school-in-a-pandemic-make-lawsuits-even-more-likely/> [<https://perma.cc/F9FX-2943>].

52. Rothstein, *supra* note 39.

53. *See id.*; *Racial and Ethnic Achievement Gaps*, EDUC. OPPORTUNITY MONITORING PROJECT, STANFORD CTR. FOR EDUC. POL’Y ANALYSIS, <https://cepa.stanford.edu/educational-opportunity-monitoring-project/achievement-gaps/race/> [<https://perma.cc/8DPP-WYZS>] (last visited Oct. 22, 2020).

54. *See* Alex Zimmerman, *Nearly a Week into NYC’s Virtual Summer School, 36% of Students Have Yet to Log On*, CHALKBEAT N.Y. (July 9, 2020, 7:50 PM), <https://ny.chalkbeat.org/2020/7/9/21319447/ilearn-nyc-summer-school-attendance> [<https://perma.cc/3UXW-S2A8>].

55. *See* Rothstein, *supra* note 39.

56. *Id.*

budgets.<sup>57</sup> “The achievement gap between low-income and other children is already equivalent to at least two years of schooling.”<sup>58</sup>

The pandemic has been especially impactful on the City’s most vulnerable communities — including those located in southeast Queens, the South Bronx, central Brooklyn, and northern Manhattan.<sup>59</sup> Apart from a staggering number of confirmed infections and loss, these communities have been hit hard due to job loss and food insecurity.<sup>60</sup> As a result, community members have depended on public support, such as accessing neighborhood pantries as well as pooling their resources, to support each other through the crisis. One Flatbush community, notably considered a “virus hotspot,” has felt the effects of the virus — about 560 people died of the virus in three specific zip codes alone.<sup>61</sup>

Families attending Public School 315 (P.S. 315), for instance, reported unspeakable losses of parents and staff alike and have coalesced to share financial and informational resources to weather the pandemic.

57. Most pools were closed this summer. *See Reopen NYC: 8 Public Pools Reopening Friday with New Safety Measures*, WABC-TV EYEWITNESS NEWS (July 23, 2020), <https://abc7ny.com/new-york-city-public-pools-reopening-nyc-reopen/6330836/> [<https://perma.cc/X7DH-8ZVE>]. New York City youth summer programs also faced cuts. *See* Sophia Chang, *Coronavirus Puts NYC Summer Programs and Camps in Jeopardy*, GOTHAMIST (May 3, 2020, 3:12 PM), <https://gothamist.com/news/coronavirus-puts-nyc-summer-programs-and-camps-jeopardy> [<https://perma.cc/2Y6R-BLFD>]; Susan Edelman, *Summer Won’t Be Much Fun for Kids in Cash-Starved NYC Amid Coronavirus*, N.Y. POST (June 20, 2020, 7:23 PM), <https://nypost.com/2020/06/20/summer-wont-be-much-fun-for-kids-in-cash-starved-nyc-amid-coronavirus/> [<https://perma.cc/LYD2-58PA>]; Annalise Knudson, *NYC Summer Programs at Risk Due to Budget Cuts*, STATEN ISLAND ADVANCE (Apr. 26, 2020), <https://www.silive.com/coronavirus/2020/04/nyc-summer-programs-at-risk-due-to-budget-cuts.html> [<https://perma.cc/Z3WH-SV4A>].

58. Rothstein, *supra* note 39.

59. *See generally Segregation Is Killing Us . . .*, *supra* note 30.

60. *See* Shanel Dawson, *Fighting Food Insecurity in NYC Amid Pandemic*, SPECTRUM NEWS NY1 (Sept. 17, 2020, 11:05 PM), <https://www.ny1.com/nyc/all-boroughs/inside-city-hall/2020/09/18/fighting-food-insecurity-in-nyc-amid-pandemic> [<https://perma.cc/AK34-6Q6Y>]; Irene Lew, *Race and the Economic Fallout from COVID-19 in New York City*, CMTY. SERV. SOC’Y (July 20, 2020), <https://www.cssny.org/news/entry/race-and-the-economic-fallout-from-covid-19-in-new-york-city> [<https://perma.cc/J9S4-6DMF>].

61. *See* Somini Sengupta, *The Virus Ravaged Parents at One School. They Found a Way to Fight Back*, N.Y. TIMES (June 1, 2020), <https://www.nytimes.com/2020/06/01/nyregion/nyc-coronavirus-flatbush-brooklyn.html?auth=login-email&login=email> [<https://perma.cc/G939-CHE8>].

Nearly 90 percent of P.S. 315 students qualify for free or reduced-price lunch, and 16 percent need help with English. Half of the student population is [B]lack; many of them are immigrants from Haiti, about a quarter are Latinos, mainly from Central America. About a tenth are Asians, mostly Pakistanis.<sup>62</sup>

The gravity of needs coupled with the high number of deaths served as a call to action among the community members to sustain each other by providing food, medicine, and interpreting services to those in need.

## II. THE HARLEM CHILDREN'S ZONE: A PROMISING MODEL

This Part describes the Harlem Children's Zone's (HCZ) methods and theory of action to serve as a model to be replicated as school communities transition from remote to in-person learning. It then describes three case studies of families working with HCZ to demonstrate how the model can support families, particularly during the pandemic.

HCZ is a community-centered organization that offers education, social services, and other forms of support to Harlem families.<sup>63</sup> HCZ's core mission is to end generational poverty, with access to good education as the cornerstone of the strategy to support every child in the Zone to get to and through college and then connected to a livable wage.<sup>64</sup> HCZ's theory of change is that if you provide children and families with comprehensive support, they will be able to keep their children safe and help them thrive.<sup>65</sup> The organization goes beyond the schools' walls, focusing on the child as a whole, and assisting their family. The strategy is also place-based, concentrating on 97 blocks in Central Harlem and serving approximately 13,000 children and 13,000 adults through 36 programs that target students based on their ages and developmental stages.<sup>66</sup> HCZ runs after-school programs in five traditional elementary schools located within the Zone, oversees two

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62. *Id.*

63. *See History, HARLEM CHILD.'S ZONE*, <https://hcz.org/about-us/history/> [<https://perma.cc/U7F7-6WR7>] (last visited Nov. 2, 2020).

64. *See id.*

65. *See id.*

66. *See About Us, HARLEM CHILD.'S ZONE*, <https://hcz.org/about-us/> [<https://perma.cc/63EQ-EQM8>] (last visited Nov. 2, 2020); *Our Programs, HARLEM CHILD.'S ZONE*, <https://hcz.org/our-programs/#education> [<https://perma.cc/U6C8-4QAR>] (last visited Nov. 2, 2020).

K–12 public charter schools,<sup>67</sup> and operates a college access and support program responsible for over 861 students attending college.<sup>68</sup>

HCZ also provides children with healthy meals during the day and created a community-wide initiative called Healthy Harlem to combat childhood obesity through healthy meals and exercise.<sup>69</sup> It has a state-of-the-art health care clinic in both of its school buildings so that students do not have to miss school for minor health needs, including counseling and dental services.<sup>70</sup> HCZ serves families through its preventive services programs, focusing on families who need support in areas such as mental health, substance abuse, and domestic violence.<sup>71</sup> Teams of social workers are assigned to each school and after-school program to support students.

Many of HCZ’s staff live in or come from communities similar to those of Central Harlem and feel a sense of urgency to support young people and their families. HCZ believes that children need to be engaged in informal and formal learning consistently and that young people are better off with them than experiencing the “summer slide” during summer break. HCZ runs its programs for 11 months out of the year and even a Saturday school, which provides a combination of academic support and engaging activities.

#### A. HCZ’s Response to the Pandemic

HCZ’s model allows it to become a part of the fabric of the community so that when a need or crisis arises, residents are not afraid to reach out for help. The staff then apply an “all-hands-on-deck”

67. Together, the two schools serve approximately 2,100 students. *See Harlem Children’s Zone Promise Enrollment (2018–19)*, DATA.NYSED.GOV, <https://data.nysed.gov/enrollment.php?year=2019&instid=800000057519> [<https://perma.cc/FPU2-QTJV>] (last visited Oct. 22, 2020); *see also Harlem Children Zone Academy II Enrollment (2018–19)*, DATA.NYSED.GOV, <https://data.nysed.gov/enrollment.php?year=2019&instid=800000058981> [<https://perma.cc/WPM5-GEBW>] (last visited Oct. 22, 2020).

68. *See 861 HCZ Students in College*, HARLEM CHILD’S ZONE, <https://hcz.org/statistic/938-students-in-college/> [<https://perma.cc/4C9K-CYNE>] (last visited Jan. 10, 2021).

69. *See Healthy Harlem*, HARLEM CHILD’S ZONE, <https://hcz.org/our-programs/healthy-harlem/> [<https://perma.cc/2M7G-8MC3>] (last visited Nov. 2, 2020).

70. *See HCZ Promise Academy Family Handbook: School Year 2019–2020*, HARLEM CHILD’S ZONE 13 (2019), <https://hczpromise.org/wp-content/uploads/2019/12/2019-2020-Family-Handbook-Final-for-Print.pdf> [<https://perma.cc/U23L-TWXA>].

71. *See Preventative Programs*, HARLEM CHILD’S ZONE, <https://hcz.org/our-programs/preventative-programs/> [<https://perma.cc/J458-VMHJ>] (last visited Feb. 2, 2021).

mentality to solve the problem. This is why when the pandemic hit, HCZ was able to quickly connect with the community to mobilize a plan. HCZ's mission "to try and see if [they] can bring . . . comprehensive supports to children all over this nation" should be applied to other communities across the City and the nation because "providing kids with a whole comprehensive set of supports in poor communities is the only way . . . to make up any of this learning loss."<sup>72</sup>

As the emergency of the pandemic unfolded, HCZ staff immediately reached out to the community to see how parents were doing and what they needed. In early March, HCZ prepared over 4,000 packages of nonperishable food so that families would have a two-week supply when the DOE announced that students would be learning remotely.<sup>73</sup> Then, in order to get emergency funds into families' hands quickly, they surveyed over 3,000 parents.<sup>74</sup> The survey revealed that 10% of families were directly affected by COVID-19, 25% were experiencing food insecurity, 42% were still working outside of the home, and 57% experienced a job loss or loss of income.<sup>75</sup>

As schools shifted to remote learning, HCZ handed out over 1,000 laptops and hundreds of hotspots to students<sup>76</sup> and held a staff training for teachers and other school personnel to make sure they knew how to use the technology. All staff were instructed to contact parents to ensure they were prepared for remote learning and had the technology they needed, and were given a date and time to come by the school to pick up a laptop if needed.<sup>77</sup> HCZ believes that all of this expedited planning was one reason their attendance rates were over 90% during the first months of remote learning.<sup>78</sup>

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72. *Geoffrey Canada: Children's Way of Life During Pandemic Has Caused 'Trauma,'* MSNBC (Nov. 18, 2020), <https://www.msnbc.com/stephanie-ruhle/watch/geoffrey-canada-children-s-way-of-life-during-pandemic-has-caused-trauma-96150085550> [<https://perma.cc/J4UU-XKKL>].

73. *See HCZ Responds to Covid-19*, HARLEM CHILD.'S ZONE, <https://hcz.org/news/hcz-responds-to-covid-19/> [<https://perma.cc/BV6L-DNYX>] (last visited Jan. 10, 2021).

74. This information is based on information Author Williams-Isom received during HCZ's internal staff meetings.

75. Kwame Owusu-Kesse, *5 Needs That Any COVID-19 Response Should Meet*, TED (June 2020), [https://www.ted.com/talks/kwame\\_owusu\\_kesse\\_5\\_needs\\_that\\_any\\_covid\\_19\\_response\\_should\\_meet](https://www.ted.com/talks/kwame_owusu_kesse_5_needs_that_any_covid_19_response_should_meet) [<https://perma.cc/HP2F-GQMZ>].

76. *See HCZ Responds to Covid-19*, *supra* note 73.

77. This information is based on information Author Williams-Isom received during HCZ's internal staff meetings.

78. This information is based on information Author Williams-Isom received during HCZ's internal staff meetings.

*i. The Miller Family*

Many school-age children who lost access to the programs they relied on before the pandemic have younger siblings. The Miller family<sup>79</sup> has three children: a kindergartener in a public school, a four-year-old in the Early Childhood Harlem Gems program (Harlem Gems),<sup>80</sup> and a six-month-old baby who graduated from the HCZ Baby College (Baby College).<sup>81</sup>

On the day of her child's graduation from Baby College, Ms. Miller had a panic attack. She is a single mother with a history with the Administration for Children's Services (ACS)<sup>82</sup> and was in foster care herself as a young person. Ms. Miller lived in a domestic violence shelter and could not have visitors, so she was alone trying to take care of her newborn and was struggling. She was excited about all she had learned at Baby College and was not looking forward to going back to loneliness and isolation at the shelter.

Ms. Miller told her Baby College worker that her life was filled with ups and downs, but she was now trying to get back on track. She had dropped out of high school and eventually earned her GED, but did not have the funds to fulfill her hope of going to a local community college. She had a job at FedEx but lost it when she went on maternity leave early due to pregnancy complications. She had once been diagnosed with an anxiety disorder but had not been taking her medication since she got pregnant. She had frequently requested gift

79. To preserve the anonymity of the clients HCZ serves, the families described are denoted by pseudonyms.

80. The Harlem Gems is a full-day, pre-kindergarten program. With five staff members per class, children engage in primarily project-based learning to learn literacy, math, and social skills through play and exposure. *See Harlem Gems*, HARLEM CHILD.'S ZONE, <https://hcz.org/our-programs/harlem-gems/> [https://perma.cc/W22P-3DL9] (last visited Oct. 29, 2020).

81. Baby College is a program for Harlem parents with children ages 0–3 that creates a space for learning how to be better parents alongside neighbors. Families and instructors meet every Saturday for nine weeks. The full-day program provides childcare and healthy meals. Teachers, many who come from similar cultural backgrounds as the parents, teach topics such as nutrition, health and safety, brain development, and discipline. Over 7,000 parents from the Harlem community have graduated from Baby College since its inception almost 20 years ago, and thanks to focused outreach and attention, more fathers have joined classes too. *See The Baby College*, HARLEM CHILD.'S ZONE, <https://hcz.org/our-programs/the-baby-college/> [https://perma.cc/M542-LT88] (last visited Oct. 22, 2020).

82. Families can have histories with ACS for a variety of reasons. For instance, accusations of domestic violence are referred to ACS caseworkers. *See Elizabeth Brico, State Laws Can Punish Parents Living in Abusive Households*, TALK POVERTY (Oct. 25, 2019), <https://talkpoverty.org/2019/10/25/failure-protect-child-welfare/> [https://perma.cc/DJK5-PRJU].



cards from HCZ and was in need of pampers and basic supplies for her children because she was still unemployed.

HCZ was excited about partnering with her on this journey. Ms. Miller was assigned a Family Worker who worked with her on her goals, including updating her resume and securing a high-quality childcare program for her baby. She also needed to make sure that she was assessed at a hospital to get back on anxiety medication.

When the pandemic hit, HCZ staff were particularly worried about the added isolation and stress Ms. Miller would have to endure. It was more important than ever that HCZ staff stay in contact with her. The principal at her oldest child's school decided to work closely with the school team, which included social workers, to check in with Ms. Miller. They needed to make sure that she could get her medicine even if some drug stores were closed during the first days of the lockdown, and that she had everything she needed for her kindergartener. HCZ scheduled a day for her to come by the school to pick up a laptop and school supplies and provided a care package of masks, household cleaning supplies, and other necessary items. Teachers, family workers, and social workers worked together to ensure Ms. Miller and her family had enough to eat and that her children were safe and keeping up with their schoolwork. Without a comprehensive approach to support, it would have been easy to miss the signs of parents in crisis. Regular check-ins with parents are a core practice at HCZ.

#### *ii. The Rivera Family*

Following the transition to remote learning, one of HCZ's fifth graders was absent frequently. Staff at his school reached out to his family repeatedly until they finally reached an emergency contact. They learned that his mother had been hospitalized and was in intensive care due to COVID-19. She had been working outside of the home and began to feel sick, but when she went to the hospital the first time, she was told to just take some Tylenol. When she did not feel better in a couple of days, she went back to the hospital and tested positive for COVID-19. Her fifth grader and his baby sister were temporarily staying with their maternal grandmother (Grandma Rivera) while their mother was in the ICU, as their father was incarcerated. Grandma Rivera had few resources and was overwhelmed by the responsibility of caring for her two grandchildren as well as her own health concerns and fears that she had been exposed to COVID-19. Her pre-existing conditions placed her in the highest risk category for severe illness from COVID-19.

The school administration and HCZ social services team quickly mobilized. They helped Grandma Rivera gain access to a computer for the fifth grader and delivered food, diapers, children's supplies, and some extra masks to her front door. The fifth grader's teacher was also in contact with Grandma Rivera to give her tips about remote learning, such as setting up a designated place in their modest apartment to serve as his workspace. She gave Grandma Rivera her telephone number and told her to call if she needed anything. Grandma Rivera was thankful that her grandson was settled into school. Not only was he engaged in his class instruction for up to six hours a day, but he was also doing art and music projects and participating in Healthy Harlem exercise. At 3:00 PM, when the academic part of the day ended, he could still participate in after-school programming such as arts and crafts, music, dancing, cooking classes, and scavenger hunts.

*iii. The Morgan Family*

Situations with high-risk adolescents can be volatile. The best teachers know how to build trusting relationships with young people to help them manage their emotions and concentrate on their studies and the other goals they have set for themselves. The pressure of being forced to stay at home was hard on everyone, but for an adolescent who was already in a strained relationship with a parent, the pandemic was the spark that finally caused any fragile stability to explode.

The last example is of a high school student, Richar, who faced an ongoing dispute with his guardian throughout the year. Two weeks after remote learning began, emotions boiled over so much so that someone called the police in the middle of the night — Richar texted his principal at around 12:30 AM to say he was leaving home, so he might not be in remote school the next day. The principal immediately contacted the superintendent, the CEO, and the social work team at HCZ, who determined that Richar would likely have trouble staying home with his family during quarantine, and so could stay with his aunt for a night. In the morning, the social worker contacted ACS because his aunt could not keep him for more than one night.

Richar was temporarily placed with ACS while further assessment of the family was conducted. But because of COVID-19, access to family court judges had slowed down, and he could not quickly access additional support around longer-term solutions to care. Richar's school staff stayed in contact with him, making sure he had his laptop and kept up with his work while a safe placement was found for him. Once he was in a stable foster care placement, Richar's attendance improved. HCZ continues to stay connected with him to make sure he

graduates and gets into college. Richar will join 861 other HCZ students who are currently in college and will transition to the HCZ college office's oversight until his graduation and connection to the workforce.

### III. LESSONS AND RECOMMENDATIONS FOR THE FUTURE

The experiences highlighted in Part II are consistent with the countless ways a crisis demands that a safety net be cobbled together in the absence of public resources. The impact of the school closures to protect public health spotlighted that low-income families rely heavily on the public education system as a safety net for food access, childcare, and social services. As economist Raj Chetty said recently, some schools are “serving to level the playing field and increase social mobility.”<sup>83</sup> If students cannot get back to school safely, there will be “massive impacts on inequality.”<sup>84</sup> The projected budget cuts due to an overall decline in revenue will be massive because the funding the federal government generally uses to fill looming gaps has not come to fruition. As a result, many states have faced cuts, and New York has been no exception.<sup>85</sup> “Lower-income students are less likely to have access to high-quality remote learning or to a conducive learning environment, such as a quiet space with minimal distractions, devices they do not need to share, high-speed internet, and parental academic supervision.”<sup>86</sup> As a result, learning loss will probably be greatest among low-income, Black, and Latinx students.<sup>87</sup> As schools reopen,

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83. Ben Steverman, *Harvard's Chetty Finds Economic Carnage in Wealthiest ZIP Codes*, BLOOMBERG BUS. WK. (Sept. 24, 2020, 4:00 AM), <https://www.bloomberg.com/news/features/2020-09-24/harvard-economist-raj-chetty-creates-god-s-eye-view-of-pandemic-damage> [<https://perma.cc/Q8DE-3BK7>].

84. *See id.* The celebrated economist has built a data tool with a God's-eye view of the pandemic's damage and soaring inequality.

85. *See* Karen Dewitt, *New York Has Lost a Greater Share of Revenue Than Most States Due to COVID-19*, NPR (Aug. 3, 2020, 7:01 AM), <https://www.npr.org/2020/08/03/895384547/new-york-has-lost-a-greater-share-of-revenue-than-most-states-due-to-covid-19> [<https://perma.cc/GV78-MZV6>].

86. Emma Dorn et al., *COVID-19 and Student Learning in the United States: The Hurt Could Last a Lifetime*, MCKINSEY & CO. (June 1, 2020), <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/covid-19-and-student-learning-in-the-united-states-the-hurt-could-last-a-lifetime#> [<https://perma.cc/9JYK-YMQ3>].

87. *See* Natalie Spievack & Megan Gallagher, *For Students of Color, Remote Learning Environments Pose Multiple Challenges*, URB. WIRE (June 23, 2020), <https://www.urban.org/urban-wire/students-color-remote-learning-environments-pose-multiple-challenges> [<https://perma.cc/U7CS-VJGX>].

some with some in-person learning,<sup>88</sup> policymakers should remember what we have learned from the initial experience of the March 2020 closure and take the following steps.

First, the de Blasio Administration has an operational structure that could promote better outcomes — namely the City’s Children’s Cabinet, the coordinating body of 24 agencies including the DOE, ACS, the New York City Housing Authority, and the Human Resources Administration.<sup>89</sup> This subset of agencies could make a meaningful difference in tackling some of the challenges that lie ahead for the City’s most vulnerable children. The Cabinet developed “Growing Up NYC,” a framework focused on coordinating policies that improved the outcomes of children and youth living in New York City.<sup>90</sup> Although its policy framework has not yet been adopted, this juncture is critical to revisit the goal of the framework.<sup>91</sup> The framework focuses on supporting children along an interconnected age continuum, adopting a holistic “whole child” approach to the physical, social, and emotional needs of children, as well as supporting and sustaining families.<sup>92</sup> The ability to help children and youth thrive serves as the framework’s crux by examining a balance of risk and protective factors — including the belief that access to technology is an essential service that must be made available to all New Yorkers.<sup>93</sup>

Second, the pandemic has demonstrated that it is not enough to be responsive to a crisis. Instead, public systems should resource additional programs to meet the demands of children and families who often experience multiple crises absent a public health emergency. The City should promote and fund comprehensive, place-based, cradle-to-career programs, similar to the HCZ model, that support students, teachers, parents, and communities. These programs focus on particular neighborhoods and provide support to families and children from the time they are born until they are connected to a job

88. See Eliza Shapiro, *N.Y.C. Schools, Nation’s Largest District, Will Not Fully Reopen in Fall*, N.Y. TIMES (Aug. 7, 2020), <https://www.nytimes.com/2020/07/08/nyregion/nyc-schools-reopening-plan.html> [https://perma.cc/W27V-YBVD].

89. See N.Y.C. CHILD’S CABINET, <https://www1.nyc.gov/site/childrenscabinet/index.page> [https://perma.cc/84C9-TMBD] (last visited Oct. 20, 2020).

90. See *Growing Up NYC*, N.Y.C. CHILD’S CABINET, <https://www1.nyc.gov/site/childrenscabinet/initiatives/growing-up-nyc.page> [https://perma.cc/8ZZM-QKPK] (last visited Oct. 20, 2020).

91. See Benita R. Miller, *The Trajectory of Childhood — Bridging Adolescence to Adulthood*, 51 FAM. L.Q. 351, 357–58 (2017).

92. See *id.* at 355–56.

93. See *id.* at 365.

that can adequately support them.<sup>94</sup> “Not only should we substantially increase teacher pay, but also finance nurses, social workers, art and music teachers, instructional librarians, and after-school and summer programs that not only provide homework help but clubs that develop collaborative skills, organized athletics, and citizenship preparation . . . .”<sup>95</sup> As many students have lost multiple family and close community members due to COVID-19,<sup>96</sup> families and teachers need access to grief counseling and post-traumatic stress treatment.

Third, given that the instruction students received during the lockdown were of mixed quality,<sup>97</sup> the DOE must help teachers develop assessment tools to know when students are learning and when they are not so that remediation can be put immediately into place.<sup>98</sup> The DOE must also provide individualized learning plans to students who need to make up for the learning loss they have experienced in addition to the summer slide’s effects,<sup>99</sup> and implement those plans without stigmatizing students. Each student will need an individualized plan with close monitoring and access to additional support, such as tutors, and opportunities to collaborate across school communities. This latter effort might help to facilitate school integration and facilitate diverse learning opportunities for children.

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94. See, e.g., *Frequently Asked Questions About Community Schools*, COAL. FOR CMTY. SCHS., <http://www.communityschools.org/aboutschools/faqs.aspx> [<https://perma.cc/49EC-AGVM>] (last visited Oct. 20, 2020) (discussing the community school model).

95. Rothstein, *supra* note 39.

96. See Elizabeth Kim, *More Children in NY State Have Lost Parents Due to COVID-19 Than the 9/11 Attacks*, GOTHAMIST (Sept. 30, 2020, 11:26 AM), <https://gothamist.com/news/more-children-ny-state-have-lost-parents-due-covid-19-911-attacks> [<https://perma.cc/879T-YREG>].

97. See Feiner, *supra* note 24; see also Matt Barnum & Claire Bryan, *America’s Great Remote-Learning Experiment: What Surveys of Teachers and Parents Tell Us About How It Went*, CHALKBEAT (June 26, 2020, 12:18 PM), <https://www.chalkbeat.org/2020/6/26/21304405/surveys-remote-learning-coronavirus-success-failure-teachers-parents> [<https://perma.cc/QP28-CUBQ>]. In some schools, students were only required to log on for two to three hours a day. In others, students were engaged for a full six- to eight-hour day. See Benjamin Herold & Holly Yettick Kurtz, *Teachers Work Two Hours Less Per Day During Covid-19: 8 Key EdWeek Survey Findings*, EDUC. WK. (May 11, 2020), <https://www.edweek.org/ew/articles/2020/05/11/teachers-work-an-hour-less-per-day.html> [<https://perma.cc/8L9E-T9MV>].

98. Others have recognized that holistic diagnostic testing is critical for supporting children who have fallen behind during remote learning. See, e.g., ROBIN LAKE & LYNN OLSON, EVIDENCE PROJECT AT CRPE, *LEARNING AS WE GO: PRINCIPLES FOR EFFECTIVE ASSESSMENT DURING THE COVID-19 PANDEMIC* 2–3 (2020), [https://www.crpe.org/sites/default/files/final\\_diagnostics\\_brief\\_2020.pdf](https://www.crpe.org/sites/default/files/final_diagnostics_brief_2020.pdf) [<https://perma.cc/E3UW-NE9L>].

99. See Rothstein, *supra* note 39.

Fourth, the DOE must prepare innovative plans that reimagine the classroom in case schools shut down again.<sup>100</sup> This includes addressing the digital divide head on. Each student must have access to their own working device with high-speed internet and a way to get the devices quickly fixed if and when they break,<sup>101</sup> and much more attention must be given to teachers' professional development to deliver a virtual classroom curriculum. Such professional development should include strong feedback loops and classroom observations that strengthen students' engagement.<sup>102</sup> Professional development should pay meticulous attention to student data, assessment tools administered in a timely manner, and individualized learning plans for each student.<sup>103</sup> Students and families need access to mental health support that is culturally appropriate and easily accessible, even in a remote learning setting.

Fifth, City officials must pivot budget priorities to address the needs of those most vulnerable. COVID-19 has taught us that we must look at the whole child. We cannot look at discrete pieces like childcare, food, or access to technology. To that end, emergency funds must be available for the most vulnerable families. Parents cannot focus on school, instruction, or homework if they are worried about whether they will be able to pay bills or have food on the table. We must ensure that not only students but also parents have masks to keep them safe during school hours, at home, and out in their communities.

Lastly, the pandemic has presented a unique opportunity to dismantle the barriers most Black and LatinX students experience in attempting to access the City's most elite schools. The most striking example is that even during the pandemic, the ability to limit access to the City's most elite schools is alive and well. One may have thought the pandemic might have created an opportunity to open up slots to these students, as the metrics that previously governed admissions have all but collapsed due to the pandemic, and growing social unrest might give way to an opportunity to do away with screened admissions to

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100. There is a distinct possibility that schools will close again. See Eliza Shapiro (@elizashapiro), TWITTER (Sept. 29, 2020, 10:53 AM), <https://twitter.com/elizashapiro/status/1310955797120266242> [<https://perma.cc/77KM-GK4M>].

101. See, e.g., Letter from Sherrilyn Ifill, *supra* note 22.

102. See LINDA DARLING-HAMMOND ET AL., LEARNING POL'Y INST., EFFECTIVE TEACHER PROFESSIONAL DEVELOPMENT, at vi (2017), [https://learningpolicyinstitute.org/sites/default/files/product-files/Effective\\_Teacher\\_Professional\\_Development\\_REPORT.pdf](https://learningpolicyinstitute.org/sites/default/files/product-files/Effective_Teacher_Professional_Development_REPORT.pdf) [<https://perma.cc/6HVF-8L4M>].

103. See *id.* at 17.

some of the City's top schools.<sup>104</sup> The pandemic has also disrupted the normal screening because grades are not being recorded, and instead, children are receiving “pass” or “fail” indicators, and tours have even gone virtual. However, the data illustrates that even a pandemic did not impact the norm.<sup>105</sup> Instead, the usual middle and high school admissions process has been upended, causing the DOE to hold a series of virtual town hall meetings before making a decision about admissions.<sup>106</sup> Most advocates saw it as an opportunity to reimagine admissions, while more affluent families were aghast and committed to a screening process.<sup>107</sup> In the end, and consistent with the history, the practices were stronger than the incremental policy shifts. But we can do better because the data is glaring, and the stakes are too high not to invest in the outcomes of children and families that are barely surviving on the margins. The students that are weathering the pandemic demand that we reimagine a new and more equitable school system.

### CONCLUSION

This pandemic caught everyone by surprise, but there must be no excuses moving forward. Generations of students are falling through the gaping holes in our safety net in New York City. Investment in K–12 schools is crucial for communities to thrive. States that adequately and equitably fund schools can better implement reforms like expanding early learning, reducing class sizes, and improving future quality that enhances educational and earnings outcomes, especially for children of color in economically struggling communities.

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104. See Eliza Shapiro, *A School Admissions Process That Caused Segregation Fell Apart in Weeks*, N.Y. TIMES (June 11, 2020) [hereinafter Shapiro, *A School Admissions Process*], <https://www.nytimes.com/2020/06/11/nyregion/coronavirus-nyc-schools-admissions.html> [https://perma.cc/T9SB-C94Y].

105. See N.Y.C. HIGH SCH. APPLICATION ADVISORY COMM. SUBCOMM. ON RUBRICS FOR SCREENED PROGRAMS, PUBLIC SCHOOLS, PUBLIC OVERSIGHT: PRINCIPLES AND POLICY RECOMMENDATIONS DURING COVID-19 AND BEYOND 2, 6 (2020), [https://www.fordham.edu/download/downloads/id/14645/PublicSchoolsPublicOversight\\_print.pdf](https://www.fordham.edu/download/downloads/id/14645/PublicSchoolsPublicOversight_print.pdf) [https://perma.cc/JK7L-6ZMF].

106. See *Admissions Engagement*, N.Y.C. DEPT' EDUCATION, <https://www.schools.nyc.gov/enrollment/enroll-grade-by-grade/admissions-engagement> [https://perma.cc/7KBC-P2RJ] (last visited Oct. 20, 2020); see also Stefan Lallinger, *NYC Schools Should Drop Admissions Screens for Upcoming Year*, CENTURY FOUND. (May 8, 2020), <https://tcf.org/content/commentary/nyc-schools-drop-admissions-screens-upcoming-year/> [https://perma.cc/MK6C-KFHV].

107. See Lallinger, *supra* note 106; Shapiro, *A School Admissions Process*, *supra* note 104.

Until we get serious about providing the most vulnerable students amongst us with the best teachers, best facilities, and full array of services they need, we will continue to see generations fail. The intersection between law and public policy must be strengthened to create or optimize a network of resources to place underserved children on a path towards prosperity. The pandemic served to compound what we know about the interplay of poverty and the safety net's fragility. Hopefully, viewing these inequities through a new lens will allow all of us to act with urgency to finally fix this inadequate safety net of resources that continue to impact Black and Latinx children's ability to have rich, dynamic public education experiences and thriving lives.