

## What You Should Know About Special Education and the Pandemic

Schools that continue to provide educational opportunities to the general student population during a school closure, must also continue to serve a student who has an Individualized Education Plan (IEP) through the Individuals with Disabilities Education Act (IDEA) or is receiving services under Section 504. Families can expect that:

- Special education services will be maintained.
- If the IEP goals will remain the same and only the time in special education will change, then the IEP Team may add an amendment to the IEP stating specifically the amount of time to be spent in special education.
- If the type or amount of services listed in the IEP or 504 plan must change because they cannot be provided virtually, the IEP team will need to discuss the type and amount of services to be provided.
- In making changes to an IEP, the family and the public agency may develop a written document to amend or modify the child's current IEP.
- When conducting IEP Team meetings and placement meetings, everyone may agree to use alternative means of meeting participation requirements, such as video conferences and conference calls.
- For re-evaluations due during a school closing, teams will try to complete the re-evaluation as soon as possible through virtual methods or upon return.
- If a child does not receive services during a closure, a child's IEP team (or appropriate personnel under Section 504) must make an individualized determination whether and to what extent compensatory services may be needed to make up for any skills that may have been lost. (Compensatory services are educational services that are awarded to students with disabilities to make up for services that they lost because of a school's failure to provide an appropriate educational placement.) Compensatory services should be provided to elevate him or her to the position he or she would have otherwise occupied had the services not been delayed or postponed.
- Parents still have a right to request dispute resolution even during these school closures.

### Key points to remember:

- The US Department of Education recognizes that there may be some isolated circumstances such as closure due to pandemic a school may need to delay the start of special education and related services to a particular child.
- Due to the current states of emergency at the federal and state levels, evaluations initiated or in process on or after March 3, 2020 may be completed within 90 calendar days of receipt of parental consent, rather than the usual 60-day requirements.
- Health issues may trump IEP mandates, and the U.S. Department of Education (DOE) recognizes that schools may not be able to provide all services in the same manner they are typically provided.

## What You Can Do to Help

- If your child is missing services, schools are directed to track the number of hours missed to help document for make-up sessions. If you do not know how to monitor progress, ask the school to develop a plan since the school is mandated to monitor “measurable progress” in the child’s IEP.
- Record all IEP meetings by providing the school with a 24-hour notice prior to the IEP meeting in writing.
- If your child has had a recent evaluation of any kind ask the school hold a 30-day Emergency IEP, review the evaluations, address parent concerns, and update goals and objectives according to current school options.
- You may discuss during the IEP disability-related modifications due to the changed learning environment:
  - Extensions of time for assignments,
  - Speech and language services through video conferencing,
  - Videos with captioning or embedded sign language interpreting,
  - Providing accessible reading materials to all,
  - Having inaccessible documents read over the phone to those who need it.
- Create a contingency plan **such as distance learning plans in a child’s current IEP that could be triggered and implemented during a selective closure due to a COVID-19 outbreak.** These may include the provision of special education and related services at an alternate location or the provision of online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, and may identify which special education and related services, if any, could be provided at the child’s home.

## Some Questions to Ask

- Will my child be able to access the online delivery of learning and instruction?
- Has the learning been customized to assist my child in reaching their IEP goals?
- Does my child require adult support to access curriculum online?
- Who will provide this support and how?
- Are there accommodations that can be provided through electronic resources such as the accessibility setting for text-to-speech or screen reader, bookmarked links on a single document, speech-to-text software, or other apps?
- What accommodations, accessibility, or different instruction is available and what is missing but needed for my child to have equal access?
- Who will create the alternate activities for my child if they require modified assignments or cannot access the activity in the virtual format?
- Who and how will my child’s progress be monitored?
- What if my child gets ill and cannot do the work?

## Resources Used:

- US Department of Education <https://www.ed.gov/coronavirus>
- Wrights Law <https://www.wrightslaw.com/>
- NOLO How COVID-19 and School Closures Affect Special Education and Children With IEPs <https://www.nolo.com/legal-encyclopedia/how-covid-19-and-school-closures-affect-special-education-and-children-with-ieps.html>

For additional resources and information, check the Resource Sheet or contact us at: 615.269.7751.