

Special Education Fact Sheet related to COVID-19

You are likely faced with the difficult decision of choosing the best and safest learning environment for your child with special education and/or special healthcare needs. Due to COVID-19, there have been quite a few changes to school delivery models. Despite implementation of remote/online learning and/or hybrid models, it is important to know that, as of July 25, 2020, there are no changes to your child's rights under IDEA. In addition, your child's Individualized Education Plan (IEP) should be fully implemented.

We encourage you and your school team to work closely together to ensure your child's progress in the curriculum. Request a conversation with your IEP team to discuss concerns and how to best serve your child at this time.

It is a good idea to review this information periodically as things continue to change.

Federal Guidance

- Free appropriate public education (FAPE) has not changed. It is rooted in federal law, is still the standard for Special Education and your child has a right to it.
- Federal and State expectation is that schools make a good faith effort to provide FAPE to your child.
- COVID guidance issued by the U.S. Department of Education has recognized that "schools may not be able to provide all services in the manner they are normally provided." Though some services may be delivered safely in person, others may need to be delivered online or cannot be delivered now. When schools resume normal operation, your IEP team (as noted in the March 12, 2020 guidance) should be able to make a decision, based on your child's circumstances, whether compensatory services may be needed and to what extent.
- If your child needs an initial evaluation for special education services, school districts should comply with the 60-day timeline for initial evaluations for your child, if at all possible.
- Your child's re-evaluation may be conducted through a review of existing evaluation data, and this may occur without a meeting and without

consent, unless you or your child's IEP team determined that additional assessments are needed.

- You and the school may agree to not hold an IEP team meeting for the purposes of making changes, and instead develop a written document together to amend or modify your child's current IEP.
- Guidance from the U.S. Department of Education states that your child's IEP meeting can be held virtually or by phone if you and all the other members of your child's IEP team agree.

State of Ohio Guidance

- If your school district offers a remote or online option for your child, your child with an IEP has the right to equal access to remote or online learning and materials with appropriate supports, as described in the Evaluation Team Report (ETR) and IEP.
- Your school's IEP team is required to work with you to determine how to meet your child's individual needs despite the challenges that exist with any proposed learning model (online only, partially in-person (hybrid), or in-person only).
- Your child's IEP team needs to consider the format of the services and develop an individualized plan of how your child will be supported, meeting your child's needs while considering district policies on social distancing, masking, hand washing, etc.
- Your IEP team need to determine if proposed learning models offer opportunity to differentiate instruction for your child, while allowing for appropriate support and delivery of related services.
- Your IEP team should discuss if training for staff, your child, or you is necessary for the proposed learning model to be successful (i.e. training you on the specific online program used).
- When your child's IEP team is unable to provide the specially designed instruction or related services in the due to COVID-19, your child may be compensated with additional services for any education or related services

not delivered as written in the IEP. This is called compensatory education and it ensure FAPE.

- Because services in the IEP are based on need, changes to services and the delivery method due to COVID-19 do not have to be written into the IEP document. Instead, they can be noted in a Prior Written notice document along with the recommendation to discuss compensatory education/services upon the re-opening of in-person school.
- If an evaluation of your child requires a face-to-face assessment or observation, it may need to be delayed until school resumes in person.
- State of Ohio guidance states that ETR and IEP meetings can be conducted virtually or by phone.

Preparing for the Start of School

- Review your child's most recent ETR, IEP and progress reports to understand needs, challenges, strengths and learning styles. If you don't have copies, request them from your IEP team or your school district student services office.
- It is recommended that you request an IEP meeting as soon as possible (even prior to the start of school) in order to review the IEP and determine appropriate delivery of services and additional needed supports with the new learning model proposed by your district.
- Review your child's accommodations and communication supports identified in their IEP and request that your team talk with you about how to best implement these supports while your child is learning at home.
- While school buildings are closed and your child is learning from home, you need to collect data for response to intervention, progress on goals, and successes and challenges.
- It is important to communicate your data regularly and discuss it with your child's IEP team. Observation data and work samples from your child's work support conversations about their progress and appropriate supports. These will become part of documentation of present levels of performance

and assist in potential compensatory education discussions.

- Review your child's IEP and ETR dates to determine if your timeline requires IEP planning meetings or evaluations while alternate learning models are in place.
- Your child's ETR deadline may be extended for triennial re-evaluations, if the evaluation requires assessments that must be done in person and buildings remain closed.
- If evaluations are necessary and cannot be done remotely, you and your IEP team should discuss if there are alternative assessments that can be completed safely or may be able to be completed from a safe distance (outdoors, masks).
- You and your IEP team have the option to conduct record reviews if your child's needs have not significantly changed since the last evaluation and if everyone agrees that there are not significant changes.
- As was true prior to COVID, if your child's IEP team presents changes to the IEP in the form of a DRAFT and you disagree, you can sign in disagreement and request prior written notice to document the change. You refusing to sign in the case of anything but the initial IEP, does not prevent implementation of your child's IEP by the school team. Only signing in disagreement does this.
- You can agree to amend your child's IEP without an IEP meeting, if you are provided or create a written agreement to the amendment.

If you have any questions or would like additional support, please contact the UCCEDD Family Support Team, ddbpfamilysupport@cchmc.org