

What families should know about IDEA during the COVID-19 response & distance learning.

What is the same and what has changed?



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LEARNING OBJECTIVES

1. Help parents and caregivers understand

1. What the legal authority for Special Education is and that it has not changed due to the COVID-19 response
2. IEP implementation might be different right now but
3. Students are still entitled to FAAPE.

2. Help parents and caregivers understand what

1. They can anticipate at future IEP meetings
2. They can do NOW if their student did not achieve their goals or did not receive services
3. What they can do LATER if their student did not achieve their goals or did not receive services

Special Education still has the same meaning & legal basis it has always had

- Special Education means specially designed instruction & related services, provided at no cost to parents, to meet the unique needs of a child with a disability; it can include special instructions in various settings (classrooms, home, hospitals, other settings).
- The right of a child with a disability to Special Education is created by, and protected by, federal law, Individuals with Disabilities Education Act (IDEA).

Special Education - A little more about IDEA, the legal basis

- The Individuals with Disabilities Education Act (IDEA) ensures services to children with disabilities via state funding.
- IDEA is a federal law that lays out what states **MUST** do if they wish to receive federal funding for the education of children with disabilities.
- Under this law parents and children with disabilities have certain rights; those rights remain the same during the COVID-19 response.



The law is still the law – there are no waivers, no exceptions and no shortcuts.

None of the requirements outlined in the *Individuals with Disabilities Education Act* (IDEA 2004) and, for that matter, the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* (the Virginia Regulations) can be waived.

As such, any requirements for IEP development, review and revision; evaluations and eligibility; the provision of special education and related services; data and reporting; monitoring; and funding are still in place.

However, methods to meet these requirements may look different during this time.

https://www.doe.virginia.gov/support/health_medical/office/covid-19-sess-faq.shtm

What else is VA DOE saying right now about Special Education?

The main page parents needs to look at is here -

https://www.doe.virginia.gov/special_ed/index.shtml

There are very good tips sheets for families on this page, but I want families to look at what VaDOE is telling schools - especially

- One document - [VDOE Considerations for COVID Recovery Services for Students with Disabilities](#)
- An FAQ created by VaDOE for schools (quotes on previous page and again, available here https://www.doe.virginia.gov/support/health_medical/office/covid-19-sess-fa)

So what is Special Education really, RIGHT NOW, during distance learning?

It is still individualized instruction specially designed to meet the unique learning needs of a student, and right now, that means meeting their needs during remote learning, distance learning, virtual school – whatever it is your school is providing during this time.

The COVID-19 response makes it extra clear that special education is a bundle of services not a place.



What does special education do for a student right now?

It still ensures access to general education curriculum, creates a right to an appropriately ambitious education, and protects the student's rights.



BACK TO VADOE

VDOE Considerations for COVID Recovery Services for Students with Disabilities (Word) – This document highlights information related to compliance, documentation and progress monitoring, and IEP Team considerations that are necessary in order to make decisions about and address requests for COVID recovery services for students with disabilities.

So, RIGHT NOW, during distance learning, things are not working for my student - what do I need to do?

Parents need to

- Document
- Communicate
 - Including asking for what your child needs / wants
 - Sharing what works and isn't working in your house right now
 - Sharing what support you need as a parent to support your child
- Problem-Solve
- Recognize that implement issues do not change your child's actual needs....
 - So be very thoughtful about changes to the IEP, especially if a reduction in services or supports is required.



So, when we go back, what do we need to do?



Parents need to

- Remember IEPs are goal driven, substantive documents, not checklists.
- Talk about where their student is, versus where they were anticipated to be (goals).
- If services were declined, talk about why.
- Consider Compensatory Education and changes to the IEP
 - Compensatory Education
 - Needs to be useful and useable
 - Can be creative / something different
 - IEP
 - Needs/goals might be different
 - Parent Training might be needed



REMINDER - IEP: INDIVIDUAL EDUCATION PROGRAM

- The IEP is a written document that outlines the objectives, and provides measurable goals, for the child's time in school. It explains the specialized instruction and related services needed to meet a child's unique needs and achieves those goals.
 - An IEP sets learning goals for a child and states supports and services that a school district will provide to achieve those goals
- The IEP must be reviewed at least once a year, but more often is possible and appropriate.
- Parents have always needed to monitor their child's progress toward those learning goals and make sure that the IEP is being implemented/services delivered, that is especially important right now during at-home schooling / distance learning.



SO....WHAT IS THE SAME ABOUT IDEA & FAAPE RIGHT NOW?

Process

- Same, delays likely
- Notice requirements and timelines the same
- Language Access / translation / interpretation are still required.

IEP

- Same but we will probably need to think about future distance learning
- More IEPs might include AT and Parent Training

Legal Obligation to Provide FAAPE?

- Same!
- Federal Gov't and VADoe have both said we need think CREATIVELY about missed services / compensatory education if student don't get to FAPE

Dispute Resolution Process?

- Same!
- Hearings and Mediation being held virtually
- Please be reminded that you may seek technical assistance regarding special education as well as file State Complaints, Due Process Complaints, and Mediation via email to ODRAS@doe.virginia.gov

Advocates for Justice and Education

The federally designated Parent Training & Information Center for Washington D.C.

Educate. Advocate. Empower.

AJE's mission is to empower families, youth, and the community to be effective advocates to ensure that children and youth, particularly those who have disabilities and special health care needs, receive access to appropriate education and health services.

Our passion is empowering families by equipping parents and students with disabilities with the tools they need to be their own advocates.

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