

FAQs for Parents/Guardians of Children with Disabilities During COVID-19

My child has an IEP and received individualized supports and services when schools were in session. What does the school have to do now that schools are closed?

The school still has to follow your child's IEP. Students with disabilities are entitled to all the supports and services that they need in order to be able to access that educational benefit and make progress. This requirement is called a "free and appropriate public education," or FAPE. The U.S. Department of Education has said that schools should not stop all education services just to avoid providing IEP services.

So what does this mean in real life? The school has to follow the IEP as closely as possible while schools are closed. Most school districts in Georgia are currently providing online instruction or take-home materials to all students. If your child with a disability finds it difficult to learn online, federal law entitles you to individualized supports that will allow your child to learn and make progress while schools are closed. Whether your child needs oral reading of course material or pre-scheduled one-on-one time with a teacher, communicate these needs to the school in writing and follow-up with them to ensure they provide the individualized supports.

Will the Department of Education waive the requirements for special education students?

No, not as of April 15, 2020. It could, but it hasn't. Under the recently enacted CARES Act, the U.S. Department of Education has 30 days to request waivers of special education services. The thirty days should end on April 27, 2020. Unless this happens, school districts are still required to meet the legal requirements for educating students with disabilities. We will likely know more on April 27 about what to expect for special education for this year, this summer, and next school year.

In the past, my child's school has had to meet deadlines for holding IEP meetings, including initial eligibility meetings and completing annual reviews of my child's IEP. Do these deadlines still apply?

Generally, yes. At this time, schools should still provide special education services and follow specific deadlines. Deadlines can be met through teleconferencing and other remote options. IEP teams should continue to comply with deadlines so long as it can be done in a safe and feasible way. We do advise that parents be reasonable and consider rescheduling an IEP meeting until the fall if the IEP is working for now, and the school is acting in good faith to follow the current IEP.

Can the school take away services from my student with an IEP?

Not without changing the IEP. Your child's current IEP remains in effect.

Your child's school might try to get you to agree to a reduction in services in an IEP meeting or by asking you to change or amend the IEP in writing without having an IEP meeting. You do not have to agree to the school's suggestion or sign anything. While we do advise that parents and caregivers be somewhat flexible given this emergency situation, you have every right to work with your school to make sure that your child receives as many of their necessary services as possible. A child's IEP content, goals, and services should not be reduced based on school closures, but you should work with your school to develop new approaches, if needed, to meet your child's IEP goals and deliver these services.

My child’s IEP included one-on-one counseling/in-person occupational therapy/hands-on physical therapy. I’m worried my child will fall behind without these services. What can I do right now?

So far, the U.S. Department of Education has said that during COVID-19-related school closures, schools have to provide special education services to the greatest extent possible. The U.S. Office of Special Education and Rehabilitation Services (OSERS) called upon “parents, educators, and administrators to collaborate creatively to continue to meet the needs of students with disabilities” during COVID-19 school closures. Although OSERS’s statement recognizes that some in-person, hands-on services cannot safely or effectively be provided during this time, it encourages school districts to provide all the disability-related accommodations and services possible. GaDOE guidance is similar in requiring school districts to consider alternative means of administering necessary therapies. For instance, some school districts across the country have allowed students to hold therapy sessions over the phone or video.

So if there is a service or support that you know your child needs to succeed, you should not hesitate to discuss that service with your child’s school. The school district may practically be unable to provide the exact service that will most benefit your child, but has to work collaboratively with you to come up with creative solutions. School districts across the country have developed creative alternatives to service children who need direct support. Reach out to your child’s teacher(s), school psychologists, or special education directors if you are concerned about your child’s progress while schools are closed. Check the GaDOE website for resources and ideas. As a parent, you have the right to suggest alternatives to direct services.

Even if there is a service that your child needs that the school district can’t provide right now, you might be entitled to compensatory education. Compensatory education are services provided to a child to make up for services that the school failed to provide. See more about compensatory education below.

My child’s IEP included social or behavioral goals. How can my child progress on those goals while schools are closed?

If your child’s IEP includes behavior goals and specific supports for their social-emotional learning, the school district should continue to provide those supports to track and meet your child’s goals. For example, if your student was working through a social-emotional curriculum program, the school should continue to provide access to that program and support for the student to make progress in that program. Additionally, if your student’s IEP includes social skills development, then the school should continue to provide those services and opportunities for your student to interact with other students over the phone or computer. There are also some [free online social-emotional learning resources](#) that parents can try, and you can ask your child’s teachers/psychologists/social workers to use them.

Your child might also be able to receive compensatory education when schools reopen to make up for skills and progress lost during the COVID-19 closures. See below for more information about compensatory education.

My child's school is offering online education, but this poses unique challenges for my child with a disability. What can I do?

Any and all instruction or services provided to students must be made available to students with disabilities in an accessible format. For example, if your child is deaf, hard of hearing, blind, visually impaired, or has physical disabilities that make online instruction inappropriate, instruction must be adapted to their needs. OSERS encourages creativity in light of the practical constraints COVID-19 presents. For instance, if most students receive information in written format, a teacher can provide visually impaired students with an audio recording of the information read aloud. Services such as smaller groups, chunking assignments, one-on-one assistance, and extra time are services that most schools can continue to implement.

First, if your child is struggling, you should notify the school in writing that the current set up is not working and your child is not progressing on her IEP goals. Second, you should ask for an IEP meeting to discuss services that will work for your child, or make suggestions in writing about how to implement appropriate services for your child. Finally, you should keep records of the school's response and detail how and what they are willing to provide to your child.

You may also find it helpful to review your student's IEP and see what supports your student received while school was in session. Did your child receive graphic organizers, laptops, or personalized checklists to help with organizing and completing tasks? There is no reason those services cannot be delivered to your child while schools are closed.

You might ask your child's teachers, school psychologists, behavior analysts, therapists, medical providers, mentors, pastors, tutors, family members, etc. for input on what would most help your child with a disability learn from home. Share this information with your child's school. Regardless, you should document your child's progress as much as possible. If your child was meeting her goals before the school closures, but has fallen behind by the time schools are back in session, they may be entitled to compensatory education. See below for more information about compensatory education.

My child could definitely benefit from additional help from school right now, but this sounds like a lot of work, and I am already overburdened caring and providing for my family during this emergency. Where do I turn to for help?

You should notify the school that you are not able to implement your child's IEP, and as a result, your child is not receiving an appropriate education. You should share any suggestions you may have, or call for an IEP meeting. The IEP team must develop solutions to ensure your child receives a free appropriate public education. You should always document the school's response and plans to address your child's needs just in case there is any confusion when your child returns to school.

You may also seek out an attorney or advocate who can work with you to make sure your child's needs are met.

Can I ask for an IEP meeting while schools are closed?

Yes. The Georgia Department of Education has encouraged school districts to hold virtual IEP meetings. If you believe an IEP meeting is necessary, do not hesitate to ask for one. Your child's

school still has to provide you with notice of the IEP meeting, just as they would have to do if schools were open.

My child was in the middle of undergoing an evaluation when schools closed. Can/should the evaluation continue?

It depends. The Georgia Department of Education has provided guidance to school districts stating that evaluations and assessments that can be completed online or remotely should be continued during the quarantine. However, if in-person meetings or observations are required to complete the evaluation, it might be delayed if there is no safe alternative. Evaluations are very important to determine a child's needs and services, so evaluations should be thorough and completed by a professional without any shortcuts. If an evaluation cannot be completed properly without face-to-face contact, you may have to wait until schools are back in session before the evaluation is completed.

How can my child's progress be monitored while learning from home?

Progress monitoring data should still be collected while your child learns from home. Ask your child's teachers how they plan to track the data for each of your child's IEP goals. You should try to keep track of your child's data and progress so that when the IEP team meets next, you are guaranteed to have some information about how your child did during this time. At a minimum, you should document your child's progress at the start and end of the school closure, and/or request this information from your child's school. Any lack in progress or regression during school closure may entitle your child to compensatory education.

Can I ask for an evaluation while schools are closed?

Yes, absolutely. An evaluation might be especially useful to observe how your student learns in a remote or online education setting. Ask your child's school about conducting an evaluation online or remotely. As previously described, however, there may be some limitations to evaluations.

Compensatory Education—Even if everyone does everything they possibly can, I believe my child with a disability will fall behind while schools are closed. What can be done to help my child catch up when schools reopen?

If your child needs supports or services in order to progress that cannot be delivered while schools are closed, and the school district's alternatives are not enough to ensure progress in light of your child's individual circumstances, your child might be entitled to compensatory education. The Georgia Board of Education is calling upon local school districts to consider options for compensatory education for students whose individual needs cannot be met in a remote instruction setting.

So what does this mean in real life? If it is practically impossible to meet your child's individual needs to allow them to make progress during this time, the school district should provide your child with additional instruction and/or services at a later date, after schools reopen or when it is feasible to actually meet your child's needs and compensate for the services that could not be done during the school closures. This is called compensatory education. Compensatory services are designed to make up for IEP services that would normally have been done by the school, but were not.

Gathering progress information at the start and the end of the school closures is key to determining whether your child needs compensatory education. Be sure to track your child's learning, and record everything you do and everything the school provides to follow your child's IEP. In order to determine what services your child needs, you can record your child doing schoolwork to document how your child is currently performing. You should keep work samples. Share these things with the schools and in turn, ask for any records that the school has about how your child was performing before the schools closed. Keep records of everything you ask the school and their responses to your requests. If you have an IEP meeting, ask for compensatory education and Extended School Year (ESY) to be a part of the plan because your child fell behind and/or you expect that your child will not advance or will regress.

An important note to remember about compensatory education is that it is different from Extended School Year (ESY). Even if your child's IEP team determines that ESY is necessary over the summer, your child may also be entitled to *additional* instruction or services to compensate for losses due to COVID-19 school closures. The data and information that you collect during this crisis will be important to determine whether your child is entitled to compensatory education and what that would look like.

The information listed is current as of April 15, 2020, and is subject to change. For updated information, you should frequently check the State Board of Education website and stay in contact with your local school district.

An attorney or advocate may be able to assist you throughout this process. Georgia Legal Services Program represents low-income Georgians in education matters and are still accepting cases. Contact 1-833-GLSPLAW to see if you are eligible for assistance.

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