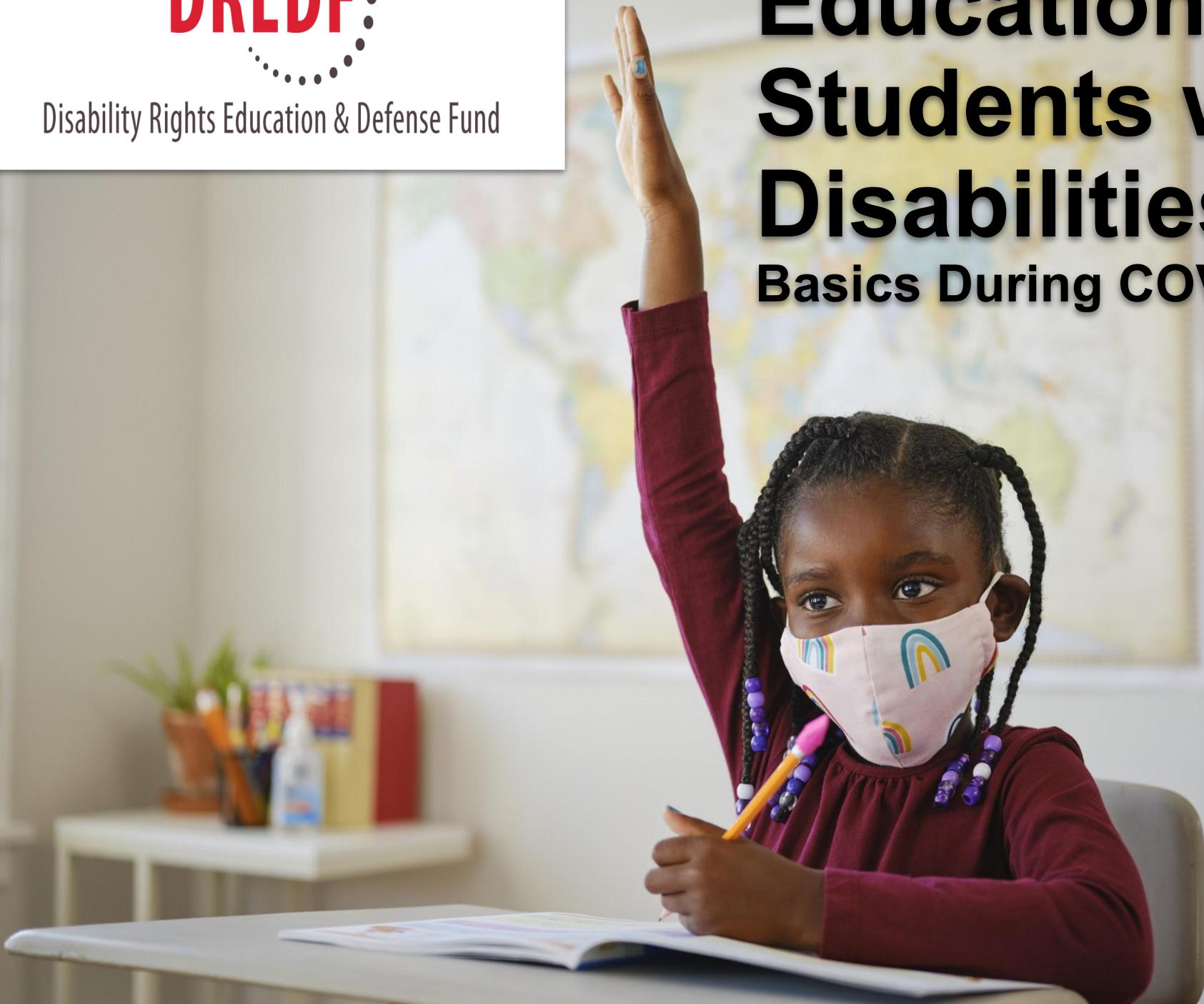




# Education for Students with Disabilities: Basics During COVID-19





- Unique alliance of people with disabilities and parents of children with disabilities.
- National law and policy center dedicated to protecting and advancing disability civil and human rights.
- Disability rights are civil rights.
- **VISION:** a just world where all people live full and independent lives free of discrimination.
- Educate legislators and policy makers on issues (such as IDEA, ADA) affecting rights of people with disabilities.

**\*DREDF is working hard to protect and support the civil rights of people with disabilities during this pandemic--visit our website for more information.**

# Parent Training and Information Centers

- PTI are places where families can get help to understand their child with a disability education rights and learn to use them effectively
- PTIs offer **free** trainings for parents of children with disabilities, youth and community members
- There is a PTI in every state and territory in the United States
- To find a PTI near you, visit the:
  - [Center for Parent Information Resources.](#)
- The PTI at DREDF now serves the North Coast Region!  
To Contact us:
  - 800-348-4232 (toll free)
  - 510-644-2555 x 5227 (voice)
  - [iephelp@dredf.org](mailto:iephelp@dredf.org) (Email)



# CA Region 5 Counties

If you live in the Region 5 counties listed below, you'll connect with one of [DREDF's](#) Education Advocates. Call us at 1-800-348-4232 or email [iephelp@dredf.org](mailto:iephelp@dredf.org)

- Calaveras
- Del Norte
- El Dorado
- Humboldt
- Nevada
- Placer
- Plumas
- Sacramento
- San Joaquin
- Sierra
- Siskiyou
- Stanislaus
- Trinity
- Tuolumne

# CA Region 5 Counties

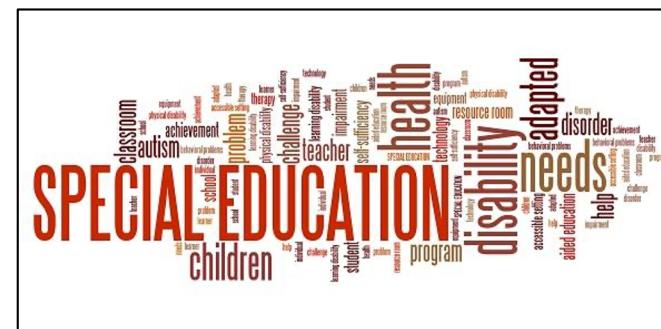
[Matrix Parent Network & Resource Center](#) will provide technical assistance to families, youth, and professionals in these Region 5 counties. You can call Matrix's Helpline at 1-800-578-2592.

- Alpine
- Amador
- Butte
- Colusa
- Glenn
- Lake
- Lassen
- Mendocino
- Modoc
- Shasta
- Sutter
- Tehama
- Yolo
- Yuba

# Training Objectives

## **UNDERSTAND:**

- Laws that protect students with disabilities.
  - 6 Core Principles of Special Education (IDEA) law.
  - Cycle/Timelines of Special Education.
  - Advocacy tips. How can you participate effectively?
  - Current challenges related to the COVID-19 pandemic, and options for addressing them.



# FERPA

## Family Educational Rights & Privacy Act

- Federal Education Privacy Law.
- Applies to all students at school.
- Timeline in CA: **5 business days of getting your WRITTEN request.**

**So--What is it? FERPA Protects Student Privacy. Parent or Student 18 or older can:**

- **Look at/review** “any and all” records the district or charter school keeps.
- **Correct** records: Did they get it wrong? Is there another side to the story?  
Exp: Discipline or special education assessments got important info wrong.



# Section 504

## Important:

- Eligibility: A medical diagnosis is not required but can be helpful. You don't have to accept delays while school tells you to "go get" a MEDICAL diagnosis. Schools don't diagnose--they evaluate. Ask them to evaluate. This means they are responsible for gathering information and doing any testing, records review and observation they need to make a decision. You have important information to share--especially during distance learning.
- Not just a consolation prize for not qualifying for an IEP.
- During COVID-19 remote learning, a 504 evaluation and plan may be easier to put in place temporarily while waiting IEP evaluation if delayed.



# 504 Accommodations

**INDIVIDUALIZED:** One size does NOT fit all. What are THIS student's barriers and how do we remove them for THIS student?

Plans can include accommodations AND regular or special education support and services.

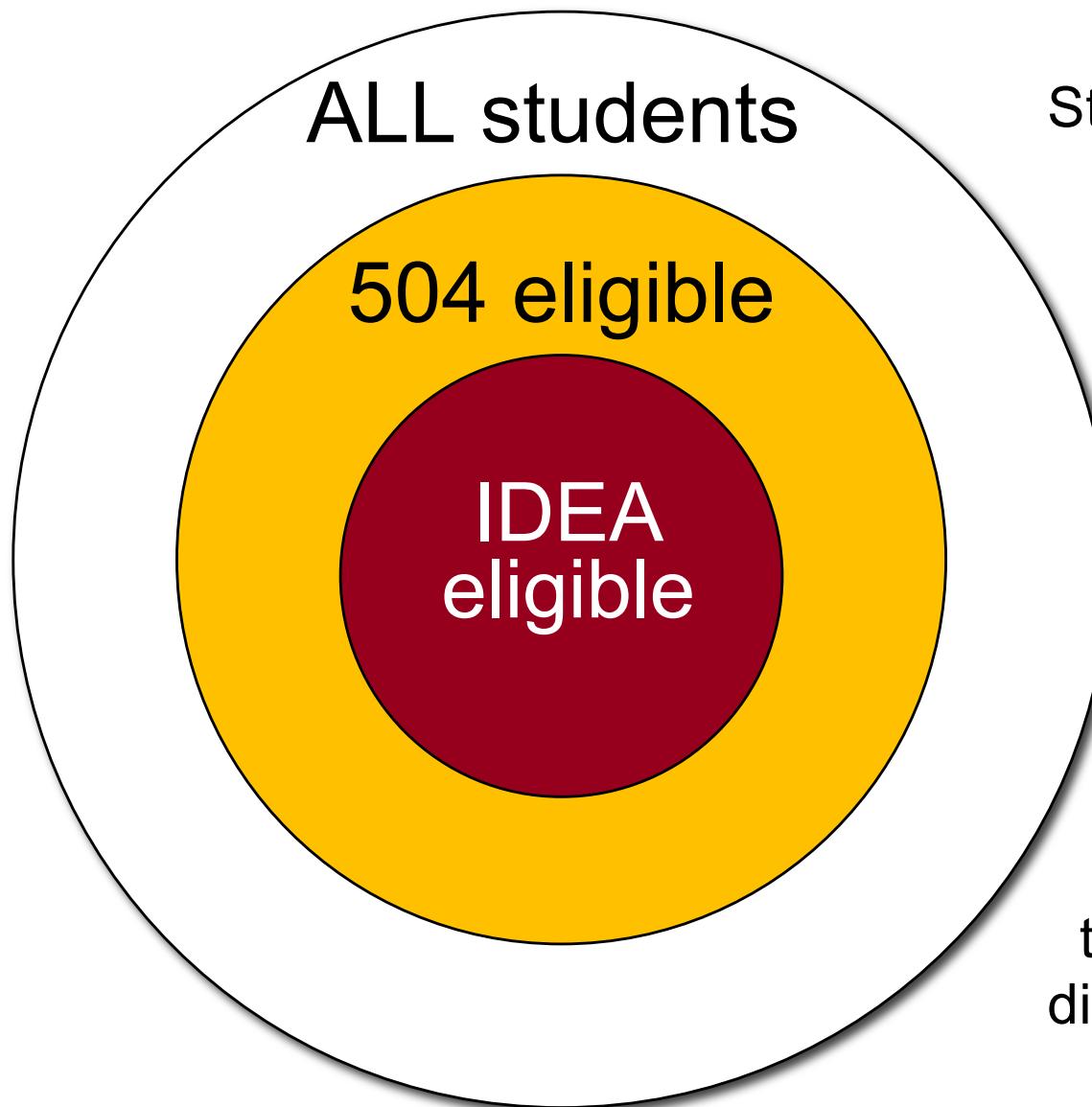
**For example:**

- **Time:** More time to complete assignments; breaks from screen.
- **Health:** Telemedicine; nursing care. Nut-free lunch table.
- **Service:** Limited in-person related services (Speech, OT, counseling, or telemedicine).
- **Environment:** Turn off camera, enlarged print, break out room for para help.
- **Computer Access:** Consultation and training to parents; Internet HotSpot, captions, noise cancelling headphones.
- **Assistive Technology (AT):** Helps student with disability participate like others do.

# Individuals with Disabilities Education Act (IDEA): Special Education

- A Federal **Education Law** / 1975.
- Students must fit at least 1 of 13 categories of disability (not medical).
- And students also need **specialized** support and instruction to benefit from education.  
*Evaluations demonstrate – student cannot benefit from public schooling without specialized instruction and support.*
- Provides an “**IEP**”: Individualized **Education Program**.
  - specialized instruction.
  - supportive related services.
  - Individualized to meet unique needs.
- During distance learning, services may be provided DIFFERENTLY but to extent REASONABLY POSSIBLE.

# 504 & IDEA Relationship



Students eligible for Special Education under IDEA are protected by **504 and IDEA**.

A Student receiving special education may **also** need accommodations to prevent discrimination.

# IDEA 6 Core Principles

1. Appropriate Evaluation/Assessment. (may be done differently).
2. Free & Appropriate Public Education (**FAPE**).
3. Individualized Education Program (**IEP**) - **one size doesn't fit all!**
4. Least Restrictive Environment (**LRE**) - **Priority should be inclusion/keeping ALL students together.**
5. Parent (and student as appropriate) participation/consent in the decision-making process - still required and important!
6. Procedural Safeguards (Rights).



# Cycle of Special Education



# Assessments

- First building block of a strong IEP.
- Information gathered in variety of ways.
  - Informal and formal/comprehensive.
  - Ex: observations, class work, report cards, testing.
- Districts/Charters must assess in all areas of suspected disability.
- Parents need to provide informed consent (get your questions answered).
- Parents have a right to challenge each assessment (IEE).
- Focus on educational “identification” not medical “diagnosis”



# IEP: Present Levels Of Performance

**Educational, Academic AND Functional performance\***

- How disability affects student involvement and progress in the general curriculum, including during distance learning.
- For Pre-School age children, how disability affects participation in learning activities.
- \*Educational performance is a BROAD term specifically selected by Congress.
- PLOP is **NOT** limited to Academic Performance (comprehensive assessment identifies ALL areas of need: functional, social/emotional, health, communication, behavior, etc).

**TIP: During remote learning parents play a big role in establishing PLOP.**

# **The IEP Goals Determine Services and Can Be ADJUSTED During Distance Learning**

For needs that have been identified for each student, the IEP team must develop individual goals and individualized services to meet the students needs appropriately.

The IEP goals must address the Present Levels of “Educational Achievement”:

- Academic goals: Based on STATE STANDARDS.
- Practical Goals: Social Skills, Therapies, Independence, Behavior, etc.
- It is NOT enough to want a service. The service must be necessary for the student to benefit from Public Education.
- The student needs will determine the goals.
- Goals drive the services necessary for the student to achieve the progress that the team expects of the student.

# Least Restrictive Environment (LRE)

The IEP must state how much of the school day student **will** or **will not** learn with and participate with students without disabilities **AND WHY\***.

- **The law is based on the idea** that students with disabilities learn with non-disabled peers.
- General Education. Typical classes. Distance learning. Interacting with non-disabled peers.

**Research shows that Inclusion benefits everyone.**

*\*Remote learning does not mean being excluded.*

- *Expect LRE to stay same unless the IEP team meets to adjust it based on **student** needs in distance learning.*

# Parent Consent

**\*\* IEPs are LEGALLY-BINDING documents!\*\***

Sign in that you are an IEP participant, but...

- Before **CONSENTING** (AGREEING TO SIGN) the IEP:  
Ask for copies of the IEP & other documents.

**Take your time and REVIEW CAREFULLY. Request explanation, clarification, translation etc, and/or, contact your PTI for help!**

- **ASK YOURSELF:** “Would I sign any other legally-binding document without adequate time for a thorough review?”
- **KNOW THAT:** Parents/Guardians can:  
Agree to “parts” of an IEP so they can be implemented.  
Attach **“Parent Exceptions to the IEP”** outlining disagreements.
- **NEVER SIGN ANY DOCUMENT UNTIL YOU FULLY UNDERSTAND IT—  
YOUR SIGNATURE IS LEGAL AUTHORIZATION!**



**TIP:** An efficient way to sign during distance learning is: to print, sign or take a picture of a document, and email back to the school district/charter.

[What to Double-Check on Your Child's IEP](#)

# COVID-19 and Distance Learning

## Current challenges:

- Child Find still applies! (Is district looking?): Is a Legal Requirement that requires schools to have system to look for children who might need services. See [What Is Child Find? Child Find Law and Evaluation Process.](#)
- Inclusion may seem different in online class but student still needs access to benefit from online activities with typical peers.
- Related services and telemedicine: delivery model different.



# **COVID-19 and Distance Learning. Continued**

- Monitoring progress: How? Who? When? [IEP/504 Plan Service Tracking Log from DRC.](#)
- Documenting regression/learning loss (compensatory education).
- Supervision/family needs.
- Technology (Assistive technology, equipment, training).
- Equity (equal access to opportunity).



# New CA Requirement: Emergency Section in the IEP

## SB 98:

- Newly eligible students must have IEPs that include emergency section.
- Existing IEPs must have an emergency section added no later than next regular IEP meeting.
- Should be developed together with families/youth and individualized.
- Plans must be implemented anytime schools closed more than 10 days in an emergency.
- [See DREDF July's Special EDition.](#)



# Documenting Issues/Problems

**“If it was never written, it was never said and will never be done.”**

- Document any issues you are experiencing at home.  
Behavior/Attendance/Discipline concerns.
- Collect videos, work products and other examples to share with team.
- Be proactive and reach out to key administrators in writing to share concerns/request alternative dispute resolution.
  - Document conversations, emails, texts and calls:  
Date. Time. Who/title. Contact info.  
What was discussed. What is understood.  
What is expected result. Follow up in writing.



# Options for Addressing Distance Learning Challenges

- Agree in part to get support started.
- Call or continue a (virtual) IEP meeting.
- Document and monitor, collect work samples, video, etc. to share.
- Request more/new evaluation or IEE.
- Use parent rights/safeguards- complaints, due process, discrimination.
- Contact your PTI to learn/review options.



# Compensatory Education

## What is compensatory education?

- An equitable form of reimbursement when a school district does not provide a free and appropriate public education (“FAPE”). (not following law or the IEP).
- Can be in the form of reimbursement for out-of-pocket educational expenses, additional future services or supports, or even a more supportive educational setting.
- Goal: To place the student in a position that he or she would have been if there had been no violations.
- Act now to avoid regression- better for student, better for district.



# **Family Participation: Get involved! Be a Leader!**

- **NOTHING ABOUT US WITHOUT US!**
- Join your Community Advisory Committee (CACs).

Every school district/Charter school must have a Community Advisory Committee on Special Education. The purpose of the group is to provide input from parents and others about how to improve Special Education for everyone. The members are primarily parents of children with disabilities.

**Check your school district/charter school website or contact your Special Education Administrator to find how to join the CAC!**

**NOTE: Now more than ever parents need to partner with educators so all students with disabilities receive meaningful educational benefit, appropriately ambitious goals and a free APPROPRIATE public education.**

# COVID-19 Resources

With a shift to distance learning due to #COVID19, groups that advocate for and support children with disabilities collaborated to launch a site with curated tools, strategies, tips and best practices for supporting students with disabilities online.

- Link: <https://www.educatingalllearners.org/>
- New CDE guidance on School Closures:  
<https://www.cde.ca.gov/ls/he/hn/specialedcovid19guidance.asp>
- DREDF Special Edition on COVID -19: <https://us2.campaign-archive.com/?u=d8372142072c8ce7f2e90e349&id=7449329e89>
- DREDF Special Edition March - July, 2020:  
<https://us2.campaign-archive.com/?u=d8372142072c8ce7f2e90e349&id=7449329e89>  
<https://us2.campaign-archive.com/?u=d8372142072c8ce7f2e90e349&id=1c7feb519c>  
<https://us2.campaign-archive.com/?u=d8372142072c8ce7f2e90e349&id=eb7203bbf2>  
<https://us2.campaign-archive.com/?u=d8372142072c8ce7f2e90e349&id=6a8c47f7a9>  
<https://us2.campaign-archive.com/?u=d8372142072c8ce7f2e90e349&id=a6122ef7f4>

# COVID-19 Resources (continued)

- Sample letter to request distance learning support:  
<https://files.constantcontact.com/aa0639b6001/02a47e06-6976-4f54-961f-9eb16a44a867.pdf>
- Sample letters from DREDF to request IEP/504 meeting during distance learning:  
<https://dredf.org/special-education/sample-letters/>
- Virtual IEP Meeting Tip Sheets:  
<https://drive.google.com/file/d/1-3KRY8QKDrmLt4UizxrdCot7gsVOebgu/view?ts=5f31d2ed>
- COVID-19 Parent Resources:  
<https://www.ncld.org/covid-19-parent-resources/>
- Parent Advocacy Toolkit:  
[https://www.ncld.org/wp-content/uploads/2020/06/2020-NCLD-Parent-Advocacy-Toolkit\\_v2.pdf](https://www.ncld.org/wp-content/uploads/2020/06/2020-NCLD-Parent-Advocacy-Toolkit_v2.pdf)

# **Q&A - Evaluations**

Please take some time to fill out the google form while we answer your questions.

