



## EDUCATION QUESTIONS & ANSWERS FOR PARENTS OF CHILDREN WITH DISABILITIES DURING THE COVID-19 PANDEMIC

**Question:** Are school districts required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 pandemic when the district is not providing education services to any of its students?

**Answer:** No. If a school district closes to slow or stop the spread of COVID-19 and does not provide any education services to the general student population, then the district is not required to provide services to students with disabilities during that same time period.

**Question:** Are school districts required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 pandemic when the district is working with students through an alternative model of providing education (e.g. virtual classrooms, remote learning, mailing or distributing learning packets, etc.)?

**Answer:** Yes. If a school district is working with students through an alternative model of providing education, then the district must provide the same opportunities to students with disabilities.

**Question:** Are schools required to implement Individualized Education Programs (IEPs) and provide related services?

**Answer:** Yes, to the extent feasible under the current circumstances. The district's priority is the health and safety of all students, staff and personnel. However, the district should provide appropriate IEP services to students with disabilities. Parents and schools should collaborate to find the best way to educate students with disabilities given the current limitations. The U.S. Department of Education states that many specialized modifications and services can be provided remotely, including extended time for assignments and modified assignments.

If the district is unable to fully meet the needs of your child during the district closure, then the IEP team should meet once the district reopens and determine whether compensatory hours should be provided to your child.

**Question:** If there is a pending initial evaluation of my child, will it be completed while the schools are closed?

**Answer:** Yes, to the extent possible districts should adhere to the 60-day timeline for completing the initial eligibility determination. Assessments that require face-to-face contact will not be completed at this time. Assessments that can be completed without face-to-face interaction, should be completed at this time. Meetings to review evaluations should be held by telephone or video conference. Parent consent may be obtained by email, mail, scan of the signature, photograph of the signature, or any other electronic means.

**Question:** If my child's ETR or eligibility determination expires during this period, will it be reviewed and updated?

**Answer:** Yes. Evaluations must be reviewed at least every 3 years. If your child's evaluation expires during this period, the district should conduct a re-evaluation. As with initial evaluations, assessments that require face-to-face interaction will not be completed at this time, but assessments that can be completed without face-to-face interaction, should be completed. Meetings to review the re-

evaluation should be conducted by telephone or video conference. Parent consent may be obtained by any electronic means.

**Question:** If my child's IEP is due to expire during this period, or if I otherwise request a team meeting, will a meeting be held?

**Answer:** Yes, districts should continue to hold meetings and updating IEPs as required. These meetings should be held virtually and any required signatures should be obtained by electronic means. However, it is not necessary to update the IEP or otherwise hold a team meeting to amend the IEP to recognize that the district is moving to an alternative model for providing education for all students.

**Question:** If I am currently involved in a dispute resolution process with the district (i.e. an investigation, facilitation, mediation, State Complaint, or due process hearing), will that process continue?

**Answer:** Yes. The parties and the state Department of Education (DOE) should adhere to the dispute resolution timelines to the extent feasible. The parties can agree to an extension of the timelines. The parties should communicate with the DOE to schedule dispute resolution dates.

**Question:** Can my child participate in virtual learning if my family is homeless or becomes homeless during this time?

**Answer:** Yes. If your family is homeless or becomes homeless, based on your child's best interests, your child may attend school in the district where you lived prior to becoming homeless or in the district where you are currently living. If you are currently living in a new district and desire for your child to attend school in that district, then the district will enroll your child in school. If the district is providing services to existing students, then it must provide services to your child, even if you moved into the district while the district is closed.

**Question:** What can I do during this time to protect my child's educational rights?

**Answer:** **Communicate:** The best thing you can do right now is communicate with your child's school team to collaborate creatively to find ways to educate your child in a manner appropriate given the child's disability and educational needs.

**Document:** Document all interactions with the school and district related to your child's education and special education services, including any services received remotely, IEP meetings, and informal communication. We have included a sample form for documenting all conversations.

**Seek support:** If you feel like you need additional support or guidance, please call the Ohio Department of Education at 877-644-6338, the Kentucky Department of Education at (502) 564-3141, or the Children's Law Center at 859-431-3313.

This information is based on guidance from the U.S. Department of Education (Fact Sheet: Addressing the Risk of COVID-19 in schools While Protecting the Civil Rights of Students, U.S. Department of Education, March 16, 2020; Supplemental Fact Sheet, March 21, 2020), the Kentucky Department of Education (Letter to Parents and Families of Students with Individualized Education Programs, March 17, 2020), and the Ohio Department of Education (Considerations for Students with Disabilities During Ohio's Ordered School-Building Closure, March 25, 2020).



<b>Date</b>	<b>Topic of Communication/Services received</b>	<b>People present</b>	<b>Notes</b>

