

# Special Education and Coronavirus in NC

(What happens to my student's special education rights while schools are closed because of COVID-19?)

\*\*\*This information is current as of 4/20/20. Because new guidance is regularly being released, please visit <http://www.legalaidnc.org/coronavirus> to find the most updated version of this document\*\*\*

## My student has an IEP. What special education services should they be getting while schools are closed due to coronavirus?

- The special education services your student should be getting **depends on how your school is serving the general student body**. There are **two** options.

How is the school serving the general student body?	Then, these special education services are required:
<b>1) The school is providing educational services to the general student body.</b> <ul style="list-style-type: none"><li>➤ This could be required or optional distance learning (for example, by phone, video, or online) covering new material or review.</li><li>➤ This could also be supplemental learning (for example, review work packets) with or without teacher check-ins.</li></ul>	<ul style="list-style-type: none"><li>➤ The school needs to make a good faith effort to follow your student's IEP. The IEP should be followed to the greatest extent possible.</li><li>➤ Services may look different than when school is open.</li><li>➤ The school also needs to follow students' accommodations and modifications so that their work (including work packets) is accessible.</li></ul>
<b>2) The school is <u>not</u> providing <u>any</u> educational services to the general student body.</b>	According to guidance from the US Department of Education, the school is not required to provide special education services.



**GOLD STAR TIP:** If you don't know how the school is serving ALL students, email or call your student's teacher, Exceptional Children's (EC) case manager, or principal to ask!

## Does my student's IEP need to change because of the coronavirus crisis?

- Not usually. However, your student's special education teacher (also known as an EC teacher) should provide you with written notice that explains any changes to your student's special education services while school is out.
  - You can ask your school to create a temporary Distance Learning Plan to help you and the school understand what services will be provided to your student during school closures.

## What is a temporary Distance Learning Plan (DLP)? What should it include?

- Your student's EC teacher(s)/provider(s) may work with you to create a temporary DLP for your student. You may also request a DLP. **This is a different document than the IEP.**
- A DLP describes how the school will work to meet your student's needs during the coronavirus closures. You and your student (as appropriate) should have input into the DLP. It should be individualized.
- The DLP may describe:
  - the accommodations and modifications your student will get during this time,
  - the special education and related services that school staff will provide to your student directly,
  - the home-school communication plan,
  - how your student's progress will be measured, and
  - any other supports your student will receive during the coronavirus closures.
- *Note: Schools may use other terms to refer to a DLP. For example: Temporary Learning Plan (TLP) or Remote Learning Plan (RLP).*

## What if I don't think the special education supports my student is getting are enough or are helping them?

- Contact your student's EC teacher or case manager and express your concerns. Make sure you express your concerns in writing. Ask for the DLP to be changed if there is one. You can also ask for an IEP meeting. If your concerns are not resolved, reach out to your district's EC director, in writing.
- If you don't know who your student's case manager is, ask the school's principal who the case manager is for your student.

## What happens to my student's related services?

- Related services are services like speech/language therapy, occupational therapy, physical therapy, or counseling that may be part of your student's IEP.
- If the school is supposed to be following your student's IEP (see the chart on the previous page), they should provide any related services that can be safely and effectively provided that are in your student's IEP too.
- If your student has a Distance Learning Plan, that plan should describe how your student will receive their related services.
- Related services may be provided in alternate formats, such as by telephone or through videoconferencing as appropriate.

## My student is not getting the special education and related services that they need. What should I do?

- Keep a calendar or log of what services your student is and is not getting on a day-to-day basis. You can use the service tracker at the end of this toolkit if you would like.
- It is very likely that some students' IEPs will not be able to be fully implemented in an online, virtual, telephone, or other distance learning format. For example, distance learning may be very difficult for some students with significant cognitive disabilities or who require hands-on physical therapy. **Schools should be keeping track of the services that are missed and should determine what make-up services ("compensatory education") may be needed at a later date.** Parents should have input into how and how much compensatory education is provided.
- Do not sign anything that gives up your right to any needed make-up services in the future.
- You may ask the North Carolina Department of Public Instruction questions about special education and coronavirus at: <https://tinyurl.com/ParentFAQ-COVID-19>.



**GOLD STAR TIP:** Use a special education service tracker to track, every day, what services your student does and does not receive.

## My student is in the middle of getting evaluated for an IEP. What happens now?

- Parts of the evaluation that don't require face-to-face contact can continue (e.g., social developmental history form, behavior ratings scales, etc.). However, many evaluations require face-to-face contact with school staff, like the school psychologist. Because schools are closed to in-person interaction, the evaluations may be delayed.
- Schools should keep track of how long evaluations are delayed and should make a plan to complete them as soon as is possible. You can also keep track of how long evaluations are being delayed.
- If your student is eventually found eligible for an IEP, the school should provide make-up services for the days missed.

## **I need to have an IEP meeting, but school is closed. Now what?**

- Many previously scheduled IEP meetings have been cancelled due to school closures.
- Schools should rescheduling cancelled meetings and, moving forward, should still be conducting most required meetings if parents agree and feel they are able to participate.
  - Examples of required meetings include annual reviews, reevaluation meetings, IEP referral meetings, and eligibility determination meetings.
- However, all meetings will be in an alternate participation format – for example, by phone or videoconferencing.
- You and the school IEP team may agree to reschedule the meeting as needed.
- You and the school IEP team may also agree that some changes can happen without an IEP team meeting. This is commonly called an “addendum without a meeting.”
  - If changes are made to your student’s IEP through an “addendum without a meeting”, you should get written notice of those changes.

## **I think my student needs an IEP. How do I start that process?**

- You should send an email to your student’s principal. In the email,
  1. state that you want your student evaluated for an IEP, and
  2. describe your concerns (for example, with math, reading, writing, behavior, speech/language, daily living skills, etc.).
- If you do not have email, you can call your student’s teacher or principal to request an IEP evaluation. You can ask them to help you put your request in writing.
- After you request the IEP evaluation, the school should invite you to an “IEP Referral Meeting.” Make sure to attend that meeting to give your important input – even if it is by phone or videoconference.



### ***Making Your Advocacy Stronger: Tips for Participating in IEP Meetings Remotely***

Participating in IEP meetings by phone or video has its challenges. Here are some tips to make remote IEP meetings as successful as possible:

- Work with your student’s EC case manager to schedule the IEP meeting at a date and time that will best allow you to have a quiet space and be able to fully participate in the meeting.
- Ask your student’s EC case manager to provide you with drafts of the proposed IEP documents ahead of time so that you can review them.
- If you have specific questions or suggestions that you want to discuss with the team, consider emailing those to your case manager ahead of the meeting.
- If you need help understanding your student’s disability or how to help them, consider asking the IEP team to include “parent training” in the IEP.

#### **Advocates for Children’s Services of Legal Aid of North Carolina**

For additional resources: [www.legalaidnc.org/acs](http://www.legalaidnc.org/acs) ~ To apply for legal services: **1-866-219-5262**



*You may want to contact a lawyer if your student with an IEP is not receiving special education services during school closures. You may also want to call if your student is struggling, you’ve asked for extra supports, and the school has refused to provide them.*

*\*The information included here is not legal advice and does not cover all rights and remedies, or apply in every situation\**

Sample Email to Request an IEP Meeting and/or Call from EC Case Manager

Dear [EC Case Manager or Principal],

I am concerned about my student who has an IEP during this time when schools are closed because of coronavirus. I would like to request an IEP meeting to be scheduled because:

\_\_\_\_ My student is not getting the services they need.

\_\_\_\_ My student is struggling to access the online/distance learning.

\_\_\_\_ My student's needs have changed.

\_\_\_\_ My student has an IEP annual review meeting or re-evaluation meeting that is due.

\_\_\_\_ Other: \_\_\_\_\_.

\_\_\_\_ I would like a call from my student's EC Case Manager to help me understand my student's services during the coronavirus school closure.

Please contact me at: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_, or at this email: \_\_\_\_\_.

Sincerely,

\_\_\_\_\_

\_\_\_\_\_

**Name**

**Date**

**Tracking Your Student's Special Education Service Delivery Every Week**

Date	How was your student taught?	Who provided instruction and for how long?	What subjects did the EC (Special Ed) teacher teach?	What other services did your student get?	Did your student get their accommodations?	Notes (e.g., what went well or didn't go well?)
<b>Monday</b> ___/___/20	<input type="checkbox"/> Online/Video (Google Classroom, ZOOM, etc.) <input type="checkbox"/> By phone <input type="checkbox"/> Work packets <input type="checkbox"/> Not at all <input type="checkbox"/> Other _____	<input type="checkbox"/> EC Teacher ___hrs ___min <input type="checkbox"/> Regular Ed Teacher ___hrs ___min <input type="checkbox"/> No one	<input type="checkbox"/> Reading <input type="checkbox"/> Writing <input type="checkbox"/> Math <input type="checkbox"/> Social/Emotional <input type="checkbox"/> Other _____ <input type="checkbox"/> None	<input type="checkbox"/> Speech/Language <input type="checkbox"/> Occupational Therapy <input type="checkbox"/> Counseling <input type="checkbox"/> Other _____ <input type="checkbox"/> None	<input type="checkbox"/> All <input type="checkbox"/> Some <input type="checkbox"/> None <i>If some, list:</i>	
<b>Tuesday</b> ___/___/20	<input type="checkbox"/> Online/Video (Google Classroom, ZOOM, etc.) <input type="checkbox"/> By phone <input type="checkbox"/> Work packets <input type="checkbox"/> Not at all <input type="checkbox"/> Other _____	<input type="checkbox"/> EC Teacher ___hrs ___min <input type="checkbox"/> Regular Ed Teacher ___hrs ___min <input type="checkbox"/> No one	<input type="checkbox"/> Reading <input type="checkbox"/> Writing <input type="checkbox"/> Math <input type="checkbox"/> Social/Emotional <input type="checkbox"/> Other _____ <input type="checkbox"/> None	<input type="checkbox"/> Speech/Language <input type="checkbox"/> Occupational Therapy <input type="checkbox"/> Counseling <input type="checkbox"/> Other _____ <input type="checkbox"/> None	<input type="checkbox"/> All <input type="checkbox"/> Some <input type="checkbox"/> None <i>If some, list:</i>	
<b>Wednesday</b> ___/___/20	<input type="checkbox"/> Online/Video (Google Classroom, ZOOM, etc.) <input type="checkbox"/> By phone <input type="checkbox"/> Work packets <input type="checkbox"/> Not at all <input type="checkbox"/> Other _____	<input type="checkbox"/> EC Teacher ___hrs ___min <input type="checkbox"/> Regular Ed Teacher ___hrs ___min <input type="checkbox"/> No one	<input type="checkbox"/> Reading <input type="checkbox"/> Writing <input type="checkbox"/> Math <input type="checkbox"/> Social/Emotional <input type="checkbox"/> Other _____ <input type="checkbox"/> None	<input type="checkbox"/> Speech/Language <input type="checkbox"/> Occupational Therapy <input type="checkbox"/> Counseling <input type="checkbox"/> Other _____ <input type="checkbox"/> None	<input type="checkbox"/> All <input type="checkbox"/> Some <input type="checkbox"/> None <i>If some, list:</i>	
<b>Thursday</b> ___/___/20	<input type="checkbox"/> Online/Video (Google Classroom, ZOOM, etc.) <input type="checkbox"/> By phone <input type="checkbox"/> Work packets <input type="checkbox"/> Not at all <input type="checkbox"/> Other _____	<input type="checkbox"/> EC Teacher ___hrs ___min <input type="checkbox"/> Regular Ed Teacher ___hrs ___min <input type="checkbox"/> No one	<input type="checkbox"/> Reading <input type="checkbox"/> Writing <input type="checkbox"/> Math <input type="checkbox"/> Social/Emotional <input type="checkbox"/> Other _____ <input type="checkbox"/> None	<input type="checkbox"/> Speech/Language <input type="checkbox"/> Occupational Therapy <input type="checkbox"/> Counseling <input type="checkbox"/> Other _____ <input type="checkbox"/> None	<input type="checkbox"/> All <input type="checkbox"/> Some <input type="checkbox"/> None <i>If some, list:</i>	
<b>Friday</b> ___/___/20	<input type="checkbox"/> Online/Video (Google Classroom, ZOOM, etc.) <input type="checkbox"/> By phone <input type="checkbox"/> Work packets <input type="checkbox"/> Not at all <input type="checkbox"/> Other _____	<input type="checkbox"/> EC Teacher ___hrs ___min <input type="checkbox"/> Regular Ed Teacher ___hrs ___min <input type="checkbox"/> No one	<input type="checkbox"/> Reading <input type="checkbox"/> Writing <input type="checkbox"/> Math <input type="checkbox"/> Social/Emotional <input type="checkbox"/> Other _____ <input type="checkbox"/> None	<input type="checkbox"/> Speech/Language <input type="checkbox"/> Occupational Therapy <input type="checkbox"/> Counseling <input type="checkbox"/> Other _____ <input type="checkbox"/> None	<input type="checkbox"/> All <input type="checkbox"/> Some <input type="checkbox"/> None <i>If some, list:</i>	