

## KNOW YOUR RIGHTS:

### Education & Special Education in light of COVID-19 School Closures



*School closures are now extended until at least May 4 in Massachusetts.  
Your child has rights in school during this extended period of school closure.*

#### General Education

**Q: I have heard that my child’s school does not have to provide any educational resources while school is closed. Is that true?**

No. Massachusetts schools have an obligation to provide remote and virtual learning opportunities during this extended school closure. It is no longer acceptable for schools to offer only enrichment resources to some students or no educational services at all.

⇒ **Look at your school’s website or contact your child’s teacher or principal to find out how they are going to educate your child during this extended school closure.**

**Q: My child cannot access online instruction because we do not have access to a computer or internet. What do we do?**

This is a major concern for many families. Some districts are making Chromebooks or similar devices available to students who need them, and you should reach out to your district about available resources. Comcast has also created [free wifi networks](#). You may also want to talk to your child’s school about the availability of instruction over the phone, work packets that could be mailed to you, projects, and written assignments as an alternative to online education.

**Q: What if my child cannot access online virtual education because of a disability?**

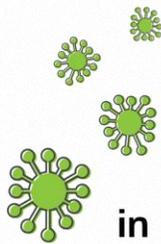
Your child cannot be excluded from school, including remote or online school, because of a disability. Schools must use technology that is accessible, or else provide equally effective alternative options. For example, if your child cannot access an online classroom, your school may be required to provide 1:1 phone calls, work packets, or other resources. If the school refuses to provide your child with access to remote instruction, you should call EdLaw at 617-910-5829 for help.

#### Special Education

**Q: I have heard that the school does not have to provide my child with special education services while the school is closed. Is that true?**

No. Your child has a right to receive as many IEP services as possible, and schools must still provide a “free and appropriate public education” (FAPE). The way your child receives services may change to protect everyone’s health and safety. For example, your child may receive remote or virtual services (i.e. speech & language services, occupational therapy, or counseling by video or phone). Your child’s teachers should be reaching out to you to determine how to meet your child’s needs. In addition, your child should continue to receive accommodations on their IEP or 504 Plan, such as extended time for assignments, large print, or assistive technology.

⇒ **Call or email the contact listed on your child’s IEP to discuss how they will provide these services during the school closure.**



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**Q: What if it is not possible to deliver my child’s special education services remotely?**

Your child may be eligible for compensatory education services. Once school resumes, the school will be required to review how the school closure impacted your child. The school will then make an individualized determination as to what compensatory services are needed to provide FAPE. **If you think your child will need compensatory services when schools open, we recommend that you keep a written record of all communication with the school, including any reason you chose to reject remote special education or services.** Please call EdLaw at 617-910-5829 if you have questions.

**Q: My child is supposed to have an IEP meeting during the school closure. Is that IEP meeting now cancelled?**

No. IEP meetings should happen remotely (i.e. via video or phone conference). Interpreters for parents whose primary language is not English and accommodations for parents must still be provided. If you do not want to participate in a remote meeting, or a remote meeting is not possible for your family, you and the IEP team may agree to reschedule. Note that, if your child’s IEP will expire during the school closure, it will remain in effect until a new IEP is developed and accepted.

**Q: My child is supposed to be evaluated or reevaluated by the school before the end of the school year. Is that evaluation now postponed?**

Not necessarily. The timelines for evaluations for special education and related services required by federal and state law have not been stopped because of school closure. Evaluations are sometimes being conducted remotely. If you do not want a remote evaluation for your child, or a remote evaluation like a classroom observation is not possible, you may want to reach out to the school district to postpone the evaluation.

**Q: My child attends a public or private day school or residential program. Will their school remain open?**

The Governor has ordered private and public day schools to close, including those serving children with special needs. The Governor has not ordered residential schools to close, but residential schools may choose to do so for safety and health reasons after consulting with local health authorities.

**If you have questions or are concerned your child is not receiving the help they need during the extended school closure, please call the EdLaw Helpline at 617-910-5829.**