

## KNOW YOUR RIGHTS:

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



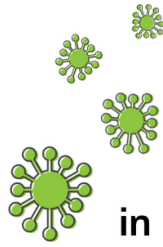
#### *What you should know to support children and youth involved in the juvenile court*

##### General Education

- **Remote Learning and Virtual Opportunities:** 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.
- **Technology Access:** Many districts are making Chromebooks or laptops available to students who need them, and you should reach out to your client's district about available resources. Comcast has also created [free wifi networks](#).
- **Virtual Education and Accessibility:** Schools must use technology that is accessible for students with disabilities, or else provide equally effective alternative options. For example, if your client cannot access an online classroom, the school may be required to provide 1:1 phone calls, work packets, or other resources.

##### Special Education

- **IEP Services & FAPE:** Your client 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 client receives services may change to protect everyone's health and safety. For example, your client may receive remote or virtual services (i.e. speech & language services, occupational therapy, or counseling by video or phone). Your client's teachers should reach to determine how to meet your client's needs. In addition, your client should continue to receive accommodations on their IEP or 504 Plan, such as extended time for assignments, large print, or assistive technology.
- **Inability to Provide Remote IEP Services:** If the district is unable to provide your client's IEP services remotely, your client may be eligible for compensatory education services. Once school resumes, the school will be required to review how the school closure impacted your client. The school will then make an individualized determination as to what compensatory services are needed to provide FAPE.
- **IEP Meetings:** IEP meetings should happen remotely (i.e. via video or phone conference). Interpreters and accommodations for parents must still be provided. If the decision-maker does not want to participate in a remote meeting, or a remote meeting is not possible for them, they can agree to reschedule.
- **Expired IEPs & Stay-Put:** If your client's IEP will expire during the school closure, it will remain in effect until a new IEP is developed and accepted.
- **Evaluations & Re-Evaluations:** Evaluations are not necessarily on hold. The legal timelines for special education evaluations have not stopped because of the school closure. Evaluations are sometimes being conducted remotely. If your client or the education decision-maker does not want a remote evaluation, or a remote evaluation like a classroom observation is not possible, the decision-maker can agree to postpone the evaluation.



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- **Day and Residential Schools:** The Governor has ordered private and public day schools to close. 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. Day and residential schools should be providing remote learning opportunities and IEP services to their students.

#### Kids in Foster Care

- The district that is programmatically responsible for the student should provide the remote learning and special education services to these students as it would any other student in the district during this crisis. Districts should be communicating with the education decision-maker and DCF worker to ensure these students have access to the general education and/or special education services the district is providing.
- EdLaw is particularly concerned with kids in foster care and congregate care not having access to technology or even any education materials. Please let us know if your client falls into this category.

#### Kids in DYS

- Students in institutional settings should continue to receive educational services either in person or through distance learning. Special Education in Institutional Settings (SEIS) will work with these institutions to ensure that these students continue to receive access to their needed special education services including therapeutic, as well as academic services, during this time.
- Please contact EdLaw if this is not happening for your client.

#### What you should do:

- **General Education:** Look at the school's website or contact the school to find out how they are going to educate your client during this extended school closure.
- **Technology:** Talk to your client's school about the availability of a laptop, chromebook and wifi. If technology is not available or possible for your client, talk to the district about instruction over the phone, work packets that could be mailed, projects, and written assignments as an alternative to online education.
- **IEP Services:** Have the education decision-maker call or email the contact listed on your client's IEP to discuss how they will provide these services during the school closure.
- **Compensatory Services:** Ask the education decision-maker to keep a written record of all communication with the school, including any reason the decision-maker chose to reject remote special education or services.

**If you have questions or are concerned your client is not receiving what they need during the extended school closure, call the EdLaw Helpline at 617-910-5829 or email us at [edlawproject@publiccounsel.net](mailto:edlawproject@publiccounsel.net).**