

# Navigating Special Education During COVID-19: California Tips for Families and Systems Advocates

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# What we'll talk about today:

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- Key Definitions
- State of the Law
- How Can I Help My Student?
  - Evaluations
  - IEP Meetings
- Q & A Break
  - Services
  - Returning to School & Compensatory Education
- Why Caregiver Participation is Important
- Key Takeaways
- Resources
- Final Q & A

# Key Definitions

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- **SPECIAL EDUCATION:** Specialized instruction, supports, services, accommodations provided to eligible students with disabilities in the least restrictive setting delivered through an IEP.
  - **DISABILITY:** 13 different categories under special education law, including learning disabilities, visual or hearing impairment, mental health needs, and developmental disabilities.
  - **PARENT:** Person(s) who hold EDUCATION RIGHTS for a child. May be biological parent, foster parent, guardian or other. Must sign IEP documents. [California Foster Care Educational Law Fact Sheets](#)
  - **SCHOOL DISTRICT:** Local Agency legally responsible for student's education, including public charter schools, and for some students, county offices of education.

# Key Definitions

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**IEP:** Individualized Education Plan: Legal Agreement between school and parent, developed as a team, outlining HOW education will be individualized for an eligible student with a disability. Includes a description of students' goals, and the services they need to achieve those goals.

**504 PLAN:** Removes barriers so student can participate like non-disabled peers. Is also a legal document, but has fewer protections than an IEP.

**DISTANCE /CONTINGENCY LEARNING PLAN:** Temporary plan to support student learning during the COVID-19 emergency

Are you unsure if your student has an IEP or 504 plan, or need help understanding what it says? Find your local [Parent Training and Information Center](https://www.parentcenterhub.org/find-your-center/) at <https://www.parentcenterhub.org/find-your-center/>

# What does the law say about special education?

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The Individuals with Disabilities Education Act is the federal law that governs special education.

Students with disabilities are entitled to a Free and Appropriate Public Education (FAPE).

Schools are responsible for identifying and evaluating students with disabilities who live in their district.

Public schools are responsible for providing services to children to help them meet their education goals.

Schools are required to include a student's parents or educational rights holder in decisions about special education.

In CA, Regional Centers are responsible for providing services to children aged 0-3. Schools are responsible from age 3-graduation or age 22.

# What does the law say about special education *right now*?

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Schools are still responsible for evaluating students, providing them with Free and Appropriate Public Education, and including parents and educational rights holders in educational decisions.

But, schools can do these things in a different way than they did before.

# What does the law say about special education *right now*?

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## Important changes:

- In California, SB 117 temporarily changed state rules about how quickly schools have to respond to records requests and requests for evaluation.
- Proposed change to the IDEA: an extension of the timeline for early intervention services. A toddler's IDEA part B evaluation could be delayed past their 3rd birthday, and they could continue to receive early intervention services until the evaluation is able to be completed. This has not yet been approved by Congress.

# Important Concerns

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Equity: Are all students receiving equal access to education right now?

Family Needs: Every family is different, and one size fits all may not work

Vulnerable populations: Children and Youth in Foster Care already face barriers to educational success. Schools have special obligations to support them. What happens during the COVID-19 emergency? What are unique challenges they face: Frequent moves, important info does not follow, loss of key relationships and family history, trauma can interfere with education.

**REMEMBER:** Partnership and collaboration whenever possible between all who care about a child (birth, foster parents, child welfare, dependency/court staff and educators ) helps children succeed.

# How can I help my student?

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- **Ask questions**

- Talk to teachers and providers
- Talk to administrators, too
- Find your point person!

- **Propose solutions**

- No one has all of the answers
- You have valuable information to contribute
- Nothing is normal; anything is possible!

- **Focus on your student's individual needs**

- Don't focus on replicating everything about school at home
- Instead, ask, what does my student need to learn right now? How can my student meet their IEP goals?
- Remind the school district that your student is a foster youth

# Communicating Needs to Schools:

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Consider:

- Access to internet and technology, and materials for learning- do you have it? Do you or your student need training to use it?
- Student's attention span and ability to focus
- Student's behavior, special medical needs, and mental health and self-regulation challenges that require extra supervision or behavior support
- Work schedule and your availability to help your student and meet your own /other family member needs
- Ability to provide a distraction-free environment for child
- Need for consultation and training.
- Parent disability or language translation needs.

# Evaluations

- Schools are still required to perform :
- Initial, (is child eligible for IEP? If yes, what is plan?)
- Annual: Every year, team including PARENT reviews student's progress and changes plan as needed
- Triennial: Every 3 years, student is completely re-evaluated

Important: Child Find Duty: Schools must still seek to IDENTIFY children with disabilities who may need special education or other services/accommodations

- In CA, the timelines for brand-new initial evaluations have changed, but initial evaluations that are in-progress, Annual. and Triennial Evaluations are still on the same schedule.

# Evaluations

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- Exception: evaluations that cannot be performed remotely can be postponed BUT parent agreement needed
  - Most IEP evaluations have multiple parts
  - Most parts can be done remotely
    - If you're not sure if part of an evaluation can be done remotely, ask the professional who is responsible for that part of the evaluation. The assistant principal may think it's not possible for occupational therapist to evaluate remotely, but the therapist may have a different opinion.
  - Schools should do the parts that can be done remotely, so they aren't completely overwhelmed when school starts again. Parents have important info about student during crisis that team needs to know.

# IEP Meetings

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- Parents and educational rights holders can still ask for IEP meetings.
- IEP meetings can be conducted via phone or videoconference.
- Schools can get signatures from participants via mail, or via electronic signature.

NOTE: Services can be provided DIFFERENTLY during closures, but students with disabilities are still entitled to individualization and an appropriate plan. IEP meetings help document problems and brainstorm ways to solve them.

# Does my child need a distance learning IEP?

- Some schools and families are convening special IEP meetings to talk about how to provide services during school closures. Schools are not required to have IEP meetings to discuss distance learning, but ***you have a right to call an IEP if you think it's necessary.***
- Reasons to have a distance learning IEP:
  - The services the student needs to succeed via distance learning are very different from what is provided when school is in session
  - You have tried to contact your student's teachers or providers and they have not responded
  - The school is not doing a good job of coordinating services, or is making promises that they aren't keeping
  - Your student is moving between schools
- Reasons to be cautious about distance learning IEPs:
  - Some school districts have tried to get families to waive their special education rights
- ***Remember: an IEP is a formal legal agreement.***

If you decide to have a distance learning IEP, make sure that you put in writing that you are consenting to the plan *temporarily*.

Recommended language from the ABA and Alliance for Children's rights:

I consent to these interim IEP/IFSP services for implementation purposes only due to the COVID-19 Pandemic causing school/regional center closures. My child's last agreed upon IEP/IFSP is dated xx/xx/xx. I do not agree to any changes to this IEP/IFSP. I reserve my right to seek compensatory services based on the placement.

# Q & A

Questions about what we've talked about so far?  
Answers to all submitted questions will be compiled and shared with attendees after the webinar, along with copies of slides and links to resources.

# Services

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- Students are still entitled to receive the services they need in order to have a Free and Appropriate Public Education and work towards their IEP goals.
- Focus on goals
  - May seem counterintuitive- instinct might be focus on replicating minutes
  - But- focusing on equalizing service minutes may not result in equal benefit to student
  - Special Ed services are always supposed to be individualized, but in practice, schools sometimes rely on a “menu” of options. Everything is off the menu now!
- Flexibility is key
  - Schools are allowed to provide services in the home or in non-traditional environments, like the park.
  - Schools can provide collaboration and coaching services to families
  - Providers may be able to meet outside of normal school hours

# Services and Supports

<u>Families Can Mix-and-Match:</u>	Remote	In-person
1-on-1 instruction	<ul style="list-style-type: none"> <li>-Real-time academic instruction</li> <li>-Mental health, behavior, or speech therapy</li> <li>-Tutoring</li> <li>-Time-management coaching</li> </ul>	<ul style="list-style-type: none"> <li>-1-to-1 behavior aide or paraprofessional in-home</li> <li>-Meeting in-person outside home while maintaining distancing</li> </ul>
Caregiver-teacher collaboration- can include both birth and foster parents	<ul style="list-style-type: none"> <li>-Occupational therapy (OT) consultation</li> <li>-Parent coaching</li> </ul>	<ul style="list-style-type: none"> <li>-OT at park or playground</li> <li>-Social skills/mental health provider observing play session w/ siblings</li> </ul>
Group Instruction	<ul style="list-style-type: none"> <li>-Real-time academic instruction</li> <li>-Note-taking and/or transcription support</li> <li>-Academic support groups</li> <li>-Social skills groups</li> </ul>	Some school districts are prioritizing re-opening special day programs for students with significant needs
Pre-recorded/non-simultaneous instruction	<ul style="list-style-type: none"> <li>-Academic instruction</li> <li>-App/gamified instruction</li> <li>-OT exercises with sensory bin</li> <li>-journaling, art, or surveys as tools for reflection (mental health, social skills)</li> </ul>	

# Returning to School

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- No one knows when, exactly that will happen!
- You don't have to wait for school to open to ask for things that your child needs.
- It's better for everyone, schools included, if schools continue to meet their special education obligations during this time
  - Don't want schools to be overwhelmed when they reopen
  - Regression (not just academically-behavior, mental health, practical skills, communication)
  - Compensatory education

Tip: You can request (in writing) an IEP meeting the week before schools reopen to provide team with your input/data about progress/problems, and create a school reintegration plan.

# Compensatory Education

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**Definition:** When a school fails to provide a student with a Free and Appropriate Public Education, it can make up for the lack of education by providing compensatory services.

**Purpose:** The point of compensatory education is to place the student in the position they would have been if the school had provided appropriate educational services.

**Comp Ed & Covid-19:** School districts are aware that many special education students will require compensatory education services due to the disruptions caused by COVID-19. But, you should not assume that the school district will proactively offer them. If you ask for services and the school refuses, you can contact your local [Parent Training and Information Center](#) to understand your options, or seek legal help.

# Compensatory Education

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## What services can I ask for?

- Individualized determination
- Not based on replacing missed services minute per minute
- Can be provided outside of normal school hours or over breaks. When services are provided over the summer break, they are usually referred to as “Extended School Year” or ESY
- Can use flexible, creative solutions to meet student needs (for instance, summer camp, community-based services, etc).

## How can I get them?

- Call an IEP. The education rights holder has the right to audio record an IEP meeting- this might be a good meeting to record in case you need help from a lawyer or parent advocate later on.
- Provide documentation- when did school stop? What services did your child receive while school was closed?
- Focus on goals- what were your child’s goals? Have they made any progress towards them? Do they need to relearn some skills that they had before school closed?
- Propose solutions- the school is unlikely to propose creative ideas on their own!

# Compensatory Education

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What can caregivers do to help advocate for extra services for foster youth once schools reopen?

- NOTICE/MONITOR: Child is losing skills/ not making progress (REGRESSION). Many students with disabilities struggle to REGAIN skills when teaching/support is paused (RECOUPMENT)
- DOCUMENT: Put your concerns in WRITING to share with IEP team/case manager. Are you noticing child losing skills in behavior, academics, mental health, communication, self care, etc? Give specific examples.
  - Juan is having twice as many meltdowns when asked to do academic work, resulting in him not participating in his learning sessions for more than 5 minutes
  - Without in person support for her PTSD, Mary is having more panic attacks and can't do her work.
  - Kenya struggles with reading, but was improving with extra help every day at school. Now that she is only getting that help once a week by Zoom, she has stopped improving and is not reading at all.

Remember: You can use the CAREGIVERS AFFIDAVIT to document these concerns for social workers and courts

# Returning to School

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- You can prepare for returning to school by:
  - Keeping a weekly log of what services your child is receiving
  - Keeping a log of how your child is progressing or regressing
    - Particularly important for skills that can't easily be measured on a test
  - Communicating with the IEP team about your observations
  
- Once school reopens, you and the IEP team should:
  - Discuss your child's present level of performance.
  - Discuss your child's goals
  - Discuss what services your child needs to bridge the gap between present levels and goals; these may be different from the services your child was receiving in school prior to the closure.

When we talk about special ed goals, we talk about “baseline”, which is where a child starts, “goal”, which is where we want the child to finish, and “present levels” which is where a child is on their path between start and finish.

# Why Caregiver Participation is Important

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- Parents/Caregivers know the MOST about the child as an individual
- Parental input helps team focus on a child's strengths, not just challenges
- The Special Education law (IDEA) is based on every child having a PARENT to participate --children in care may have many changes in caregiver
- Being present/attending is NOT the same as **meaningfully participating!** Your input matters and your final approval is needed to implement the plan

Remember: Children do best when schools and home are working together to support the child's learning.

# Why Caregiver Participation is Important

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When you help schools understand that something is not working for a child, you are helping that child but also:

- Teachers
- Social workers
- Child's attorney
- Future caregivers

Children and youth in foster care are at increased risk of educational failure. Your advocacy makes all the difference! School problems often result in PLACEMENT problems, not just the other way around!

# Why Caregiver Participation is Important

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- Getting involved at the SYSTEMS level (to improve education for all children with disabilities) is another way to participate.
- Every school district/charter school has a COMMUNITY ADVISORY COMMITTEE (CAC) where parents, special education professionals, community members and administrators work together to improve special education. As a caregiver, your input and experience matter!

Contact the Special Education Director for School District to find out how to participate in CAC meetings

# Key Takeaways

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- Equity: Students with disabilities cannot be excluded from education available to their nondisabled peers. This also applies to students protected under Section 504
- Public schools must continue to provide free and appropriate public education, (FAPE), to students with disabilities, but the methods used to do so may be different
- Educators and parents should work together to find ways to meet students' needs flexibly "to the extent possible"
- If online learning materials aren't working,, schools can provide "equally effective alternate access to the curriculum or services" to students with disabilities.
- Parent Input/agreement still required! Meaningful participation

# Resources

- [Sample letter that you can download](#) and use as a guide to request a virtual /distance IEP meeting
- Sample letter to use to document/write to special education administrator with concerns:  
  
<https://files.constantcontact.com/aa0639b6001/02a47e06-6976-4f54-961f-9eb16a44a867.pdf>
- [Advocacy During the COVID-19 Crisis: Wrightslaw](#)
- [California Foster Care Educational Law Fact Sheets](#) (available in Spanish and English)
- [Find Your Parent Center | Center for Parent Information and Resources](#)

# Q & A

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