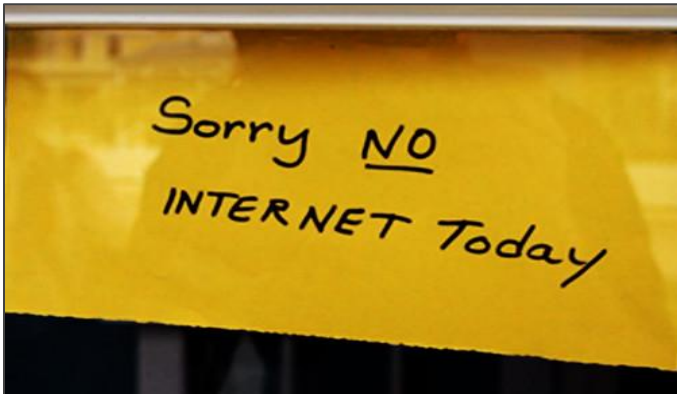


# COVID-19 and Distance Learning

## What Youth, Families and Community Agencies Need to Know!

Presented by: Cheryl Theis, Education Advocate  
Disability Rights Education and Defense Fund (DREDF)





Disability Rights Education & Defense Fund

- Unique alliance of people with disabilities and parents of children with disabilities.
- National law and policy center dedicated to protecting and advancing disability civil and human rights.
- Disability rights are civil rights.
- **VISION:** a just world where all people live full and independent lives free of discrimination.
- Educate legislators and policy makers on issues (such as IDEA, ADA) affecting rights of people with disabilities.

**\*DREDF is working hard to protect and support the civil rights of people with disabilities during this pandemic--visit our website for more information. [www.dredf.org](http://www.dredf.org)**



Disability Rights Education & Defense Fund

## DREDF Children & Family Advocacy Programs

- There is a PTI center in every state and territory. Please call us and we will guide you to the right PTI or look here: [Find Your Parent Center](#)

**Information is power!**

**Effective advocacy begins with understanding your rights and options so you can fully participate in the educational process.**

- Children with disabilities who have consistent, knowledgeable advocates are most likely to receive appropriate services & supports.
- Youth with disabilities need to know their rights in order to use them!

### Parent Centers in Action

*How many times did Parent Centers connect with families, professionals, and youth with disabilities in 2017-2018?*

→ **1.1 million<sup>+</sup>** 

**Parent Centers**  
inform and train parents of  
children with disabilities  
to be effective advocates  
for their children



**356,400<sup>+</sup>**  
Parents attended *TRAININGS*  
**392,900<sup>+</sup>**  
Parents received  
*INDIVIDUAL ASSISTANCE*

# Do Students with Disabilities Lose Their Rights During COVID-19?

- NO. Services may be delivered DIFFERENTLY (by computer or at home or by phone, for example), but are still required and students must be able to access education and benefit from it and make meaningful progress toward goals.
- Students may have extra challenges or needs during distance learning, and schools need to help manage these so students can participate like other students, make progress and continue working toward your goals.
- All important laws remain in effect:
  - FERPA (Student Privacy)
  - IDEA (Special Education/IEP)
  - Section 504 and the ADA (non-discrimination/equal access)

**But** you may need to SHOW the school what the challenges and problems are during distance learning. Examples, data, evidence.



# Civil Rights During the COVID-19 Emergency: No Discrimination

The US Department of Education Office for Civil Rights says:

“Compliance with CDC’s recommendations should not create civil rights concerns”. All means ALL.

- Section 504 of the Rehabilitation Act of 1973 (Section 504) **prohibits disability discrimination** by schools receiving federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990 (Title II) **prohibits disability discrimination by public entities, including schools.**
- Title VI of the Civil Rights Act of 1964 (Title VI) **prohibits race, color, and national origin discrimination by schools** receiving federal funds.

*“School officials have discretion to make educational decisions based on local health needs and concerns... But school leaders must keep in mind requirements of Section 504, Title II and Title VI to ensure that all students are able to study and learn in an environment that is safe and free from discrimination.”*

[OCR Fact Sheet Coronavirus 3.13.2020](#)



# Purpose of IDEA and an IEP

- The main purposes of Special Education and an IEP are to:
  - Provide a free appropriate public education (FAPE) to students with disabilities.
  - Requires schools to find and evaluate students suspected of having disabilities, at no cost to families. This is called [Child Find](#).
  - Provide eligible students with special education and related services (like speech therapy and counseling) to meet their unique needs.
  - Help students make meaningful progress in school and prepare for future education, employment and independent living in the community.
  - Give youth, parents or legal guardians a voice in important decisions about the student's education. Under IDEA, you have a say in the decisions the school makes about you/the student. At every point in the process, the law gives you specific rights and protections. These are called [procedural safeguards](#).



# COVID-19 and Distance Learning

## Current challenges:

- Child Find still applies! A Legal Requirement that requires schools to have system to look for children who might need services. See [What Is Child Find? Child Find Law and Evaluation Process](#).
- Inclusion may seem different in online class but student still needs **access** to benefit from interacting/learning with typical peers and standards based curriculum.
- Related services and telemedicine: delivery **model** different. May not work for all. Individual determinations, not district convenience.
- Accommodations (camera off, large print, breakout rooms with paras...).

Flexible, solution oriented problems solving as a  
TEAM is key!



# COVID-19 and Distance Learning Continued

- Monitoring progress: How? Who? When? [IEP/504 Plan Service Tracking Log from DRC](#)
- Documenting regression/learning loss (compensatory education).
- Supervision/family needs.
- Technology (Assistive technology, equipment, training).
- Equity (equal access to opportunity).





# Documenting Issues/Problems

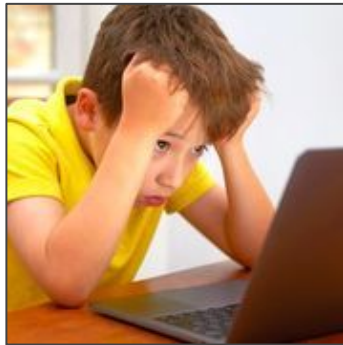
**“If it was never written, it was never said and will never be done.”**

- Document any issues you are experiencing at home.  
Behavior/Attendance/Discipline concerns.
- Collect videos, work products and other examples to share with team.
- Be proactive and reach out to key administrators in writing to share concerns/request alternative dispute resolution.
  - Document conversations, emails, texts and calls:  
Date. Time. Who/title. Contact info.  
What was discussed. What is understood.  
What is expected result. Follow up in writing.



# Options for Addressing Distance Learning Challenges

- Agree in part to get support started.
- Call or continue a (virtual) IEP meeting.
- Document and monitor, collect work samples, video, etc. to share.
- Request more/new evaluation or IEE.
- Use parent rights/safeguards- complaints, due process, discrimination.
- Contact your PTI to learn/review options.



# New CA Requirement: Emergency Section in the IEP

## SB 98:

- Newly eligible students must have IEPs that include emergency section.
- Existing IEPs must have an emergency section added no later than next regular IEP meeting.
- Should be developed together with families/youth and individualized.
- Plans must be implemented anytime schools closed more than 10 days in an emergency.
- [See DREDF July's Special EDition.](#)



# Compensatory Education

## What is compensatory education?

- An equitable form of reimbursement when a school district does not provide a free and appropriate public education (“FAPE”). (not following law or the IEP).
- Can be in the form of reimbursement for out-of-pocket educational expenses, additional future services or supports, or even a more supportive educational setting.
- Goal: To place the student in a position that he or she would have been if there had been no violations/failures to deliver services effectively.
- Act now to avoid regression- better for student, better for district.
- Solutions can be creative.



# Alternative Dispute Resolution (ADR)

## Informal means to resolve disputes

- Write an effective **letter**. Create evidence and advocate FOR solutions.
- Involve key stakeholders/**decision-makers**:  
Superintendent; SpEd Director; school board member.
- **SELPA “Facilitated IEP”**: Neutral facilitator runs IEP”.
- **District level “Local/Uniform Complaint.**
- **“Mediation-Only” Request** -Office of Administrative Hearings (OAH) will send a FREE Mediator **BEFORE** filing any formal Due Process complaint.  
FAST: in 15 days:  
[Request for Mediation Only](#)
- Call your PTI for options.
  - Compensatory education as a remedy because of regression during COVID-19.

# Materials/Tech Issues: Williams Complaints

You can also file complaints related to other issues, such as illegal school fees and what are known as **Williams complaints**

Are school facilities are clean and safe?

**Do students have access to instructional materials (including technology during distance learning)?**

Are teachers appropriately credentialed?

Always best to bring issues to attention of superintendent's office first, to try to resolve together.

**Remember: IN WRITING.**

See [Williams Complaint Process](#)



# Parent Training and Information Centers

- To find a PTI visit the [Center for Parent Information Resources](#).
- PTI are places where families can get help to understand their disabled child's education rights and learn to use them effectively.
- PTIs offer free training for parent and youth with disabilities.
- No family is ever turned away.
- They are required by the Department of Education.



# Family Participation: Get involved! Be a Leader!

- **NOTHING ABOUT US WITHOUT US!**
- Join your Community Advisory Committee (CACs).
- Every school district/Charter school must have a Community Advisory Committee on Special Education to provide input from parents and others about how to improve Special Education for everyone. Members are primarily parents of children with disabilities but include educators, community members, youth with disabilities.
- To learn more: **Check your school district/charter school special education website or contact your Special Education Administrator to find how to join the CAC!**

**Other opportunities: School site councils, Local Control and Accountability teams, PTA's, [Advisory Commission on Special Education \(ACSE\) - Administration](#)**

Now, more than ever. parents need to partner with educators so all students with disabilities receive meaningful educational benefit, appropriately ambitious goals and a Free Appropriate Public Education





# Q&A - Evaluations

Please take some time to fill out the evaluation while we answer your questions.

[DREDF Training Evaluation Form](#)



# COVID-19 Resources

- [Educating All Learners Alliance](#)
- [Special Education Guidance for COVID-19 - Health Services & School Nursing \(CA Dept of Education\)](#)
- [Special EDition: Special Education During COVID-19 School Closures](#)
- [Sample Letters and Forms - Disability Rights Education & Defense Fund](#)
- [Sample letter to request distance learning support](#)
- [virtual-iep-meeting-tipsheets.pdf](#)
- [virtual-iep-mtg-checklist.pdf](#)
- [COVID-19 Parent Resources - NCLD](#)
- [NCLD | Parent Advocacy Toolkit](#)
- [Resources for Supporting Learners with Disabilities](#)
- [ADS: Know your rights in distance learning 10 02 2020](#)

# DREDF Resource Links

- Special Education Rights and Responsibilities (SERR)  
<https://serr.disabilityrightsca.org/>
- DOWNLOAD DREDF Training Materials & Publications!  
[www.dredf.org/special\\_education/trainings.shtml](http://www.dredf.org/special_education/trainings.shtml)  
[www.dredf.org/publications/publications.shtml](http://www.dredf.org/publications/publications.shtml)  
[www.dredf.org/special\\_education/special\\_ed\\_resources.shtml](http://www.dredf.org/special_education/special_ed_resources.shtml)
- DREDF “Guide to CA Families: Special Education Due Process and the Resolution Meeting”  
[http://dredf.org/special\\_education/dueprocess.pdf](http://dredf.org/special_education/dueprocess.pdf)
  - DREDF: [www.dredf.org](http://www.dredf.org)
  - CDE Special Education: [www.cde.ca.gov/sp/se](http://www.cde.ca.gov/sp/se)
  - CDE/PENT (Behavior): [www.pent.ca.gov](http://www.pent.ca.gov)
  - Disability Rights CA (DRC): [www.disabilityrightsca.org](http://www.disabilityrightsca.org)
  - NICHCY: [www.nichcy.org/](http://www.nichcy.org/)
  - OSEP: [www.osepideasthatwork.org](http://www.osepideasthatwork.org)
  - OCR: <https://www2.ed.gov/about/offices/list/ocr/504faq.html>
  - Wrightslaw: [www.wrightslaw.com](http://www.wrightslaw.com)



Disability Rights Education & Defense Fund

DREDF provides information and training to parents/guardians of school-age children with disabilities (up to age 26), and professionals who serve these students and their families. To see the Northern CA areas we serve: [Find Your Parent Center](#)

Contact us to request help from an “**Education Advocate!**”

**Phone:** 510.644.2555 ext. 5227

**Toll Free:** 800.348.4232

**Fax/TTY:** 510.841.8645

**Email:** [iephelp@dredf.org](mailto:iephelp@dredf.org)

**Website:** [www.dredf.org](http://www.dredf.org)

**Facebook:** [www.facebook.com/dredf.org](http://www.facebook.com/dredf.org)