Special Education and Remote Learning: What Parents & Caregivers Need to Know About Services During the COVID-19 Pandemic

My child with an IEP or 504 Plan attends a school that is starting the year with online learning, but we don't have a computer or internet. Does the school have to provide them?

Yes. A school making available or requiring online learning for students at the start or at any time in the school year, must make a good faith effort to make sure students with disabilities have a computer and internet access.

My child has an IEP or 504 Plan and will be learning remotely for some or all of the school year. Must the school provide services, supports, and accommodations for my child?

Yes. The special education and services listed in your child's IEP or 504 Plan must be provided, although they may look different to avoid putting your child’s or school staff’s health and safety at risk.

Does my child's IEP or 504 Plan need to be updated due to remote learning?

Likely yes. IEP or 504 Teams should update IEPs and 504 Plans to describe what the student’s learning will look like in multiple learning environments: traditional (face-to-face), blended, or remote learning environment. The IEP must be individualized based on the child’s unique needs and designed to provide a Free Appropriate Public Education (FAPE), which is the same standard schools had to meet prior to COVID. Parents should not agree to lesser services just because their child is learning remotely.

Does my child’s IEP or 504 Plan placement need to change due to remote learning?

Likely no. A child’s IEP placement should not change just because of COVID-19 remote learning. The placement in the IEP should only be changed if the child’s least restrictive environment (LRE) has changed. Placement and LRE is about the amount of time your child with a disability spends being educated with children who do not have disabilities. Placement is not about remote learning or the school building where your child receives services. Parents should not agree to a change in placement unless their child’s unique needs require more or less time spent with children without disabilities, even virtually.
What Services Should I Expect or Request under my Child's IEP or 504 Plan?

Your child’s school should work with you to identify your child’s unique needs and how best to meet them through remote learning. You should not agree to lesser services just because of remote learning. Examples to think about are:

- Regular one-on-one or small group lessons with the teacher or intervention specialist by phone or video
- Phone or video support for you
- Regular phone or video appointments with your child’s counselor, speech therapist, physical therapist, or occupational therapist
- Extra practice to do at home from your child’s counselor or therapists
- Changes to the kind of work your child is doing at home, such as:
  - Shorter assignments
  - Different content in assignments
  - Extra assignments
- Changes to the instructions for work your child is doing at home, such as:
  - More time to complete assignments
  - Breaking up assignments
  - How to ask for help to complete assignments
- Tools or assistive technology for your child to use at home, such as:
  - A laptop;
  - A tablet;
  - A hotspot or jet pack for internet access

For some children, their disabilities may mean that in-person therapies or in-person instruction must be provided, although staff and child health risks will be considered.

What if my child isn’t getting enough help?

- **Ask** for a phone or video IEP Team meeting, in an email or letter.
- **Ask** for specific supports and services that you think may help your child. See our template COVID-19 Request for IEP Services (Letter to School)
- **Apply** for legal help by calling Legal Aid Line at (888) 534-1432 or www.legalaidline.org
- **Ask** for compensatory education or recovery services. Compensatory education is provided to make up for services the school should have provided to a child with disabilities but didn’t. Recovery services are provided to close any gaps in learning created as a result of the 2019-2020 school building closures. Compensatory education or recovery services should be specific to your child’s needs.
What can I do to make sure my child is receiving everything they are entitled to?

- Make all requests for special education and services in writing. For example, see our template COVID-19 Request for IEP Services (Letter to School).
- Keep a copy for yourself.
- Use a calendar to track your requests and any answers from the school.
- Note how you received the answer. For example: phone, email, letter.
- Track how many minutes of special education and related services (for example: speech therapy or occupational therapy) your child actually receives.
- Make a Chart like the sample below:

<table>
<thead>
<tr>
<th>Service</th>
<th>Who Provided</th>
<th>Date</th>
<th>Time</th>
<th>Number of Minutes</th>
</tr>
</thead>
<tbody>
<tr>
<td>OT</td>
<td>Ms. Smith</td>
<td>April 1</td>
<td>2:00 PM</td>
<td>20 minutes</td>
</tr>
<tr>
<td>Special instruction</td>
<td>Mr. Jones</td>
<td>April 3</td>
<td>10:00 AM</td>
<td>15 minutes</td>
</tr>
</tbody>
</table>

- Request status or progress reports for your child.
- Compare your child’s performance to their goals in the IEP.

If you still need help:

CALL
LEGAL AID LINE

TOLL-FREE
(888) 534-1432

APPLY ONLINE

ONLINE
www.LegalAidLine.org