

YOUR CHILD'S RIGHTS TO SPECIAL EDUCATION SERVICES DURING COVID-19

During the national emergency related to COVID-19, Alaskan schools are adjusting to new ways of assisting families and providing services as the schools transition their special education needs and related supports into home environments. The following information is provided for families to help in this transition.

IEP MEETINGS

Can an Individualized Education Program ("IEP") meeting be held during COVID-19?

Yes. IEP meetings may still be held despite school building closures and will likely be held by teleconference or videoconference. Even during this health crisis, a school is still obligated to provide you with "procedural safeguards" including meeting notices and prior written notices ("PWN") that tell you what the school is proposing to do/not do before changes take place. School districts must hold meetings in a way that allows parents to meaningfully participate.

Can a parent or a guardian request an IEP meeting?

Yes. If you believe the IEP needs to be modified or that the services received under the IEP need to be discussed, you have the right to request an IEP meeting at any time. When possible, we recommend making the request in writing, such as by email, to your school administrator.

Can the school have an IEP meeting without me?

If you need to reschedule an IEP meeting, you can still do so. As always, a school's administrative deadlines do not trump your right to meaningful parent participation. The IEP can also be changed without an IEP meeting if you and the school agree. Changes to your child's IEP can be made in a written document that would amend or modify your child's current IEP.

What sort of services must be provided during the current school closure?

Accommodations must be made for the delivery of services to all students receiving special education services. These service plans will be different from student to student, despite limitations of the resources necessary to carry out services.

Can students be assessed for disabilities by video?

Assessments that an evaluator can perform by video should be done timely. However, there are also assessments that can only be done in person. A student requires a new assessment every three school years. Initial evaluations for children who have not yet been found eligible for special education should be a higher priority, as children who have previously been evaluated and have an IEP will continue to receive services under the old IEP until they can be evaluated and the IEP updated.

What should you do if the school schedules an IEP meeting?

The school may wish to hold an IEP meeting to make changes to how services will be provided during the school closure. You, as the Parent/Guardian, have the right to attend the meeting and to agree, or disagree, with a proposed change to your child's IEP or the way IEP services are delivered.

- Carefully review any changes that either reduce or remove services from your child's current IEP. Ask the IEP team to clarify, in writing, that any changes in the delivery of the IEP services during COVID-19 are on a temporary basis and that you do not waive your child's rights to the missing or reduced services.
- If you agree to changes to the IEP, you can request that the school add language to the PWN or IEP expressing that you are only agreeing to changes in how the IEP services are delivered until school resumes normal operations, and that the modified services be

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provided according to the IEP that was in place prior to the COVID-19 crisis once normal operation of school has started again.

Example: *if your child's IEP requires 1 hour of Physical Therapy (PT) services weekly and the IEP team determines that PT services cannot be delivered remotely, you may agree to suspend the PT services until normal operation of school resumes and that lost PT services will be made up at a later date.*

Discuss with the IEP team whether the service can be provided in a different format rather than reducing or removing the service. Please contact your school district for your local situation. Head Starts have different operational rules and different relationships with local school districts from one location to the next.

ACCESS TO TECHNOLOGY AND THE INTERNET

What should you do if you do not have access to technology?

If your child requires technology that you do not have available at home, such as a tablet or computer to access their educational services, you should contact your child's school to make sure they are aware of your needs as soon as possible. If you have previously completed a survey/questionnaire regarding your child's needs and have not heard back from the school, you should contact the educational diagnostician and/or school administrator for further guidance. If the school is unable to provide your child with a tablet or computer, they are still required to provide your child access to the learning materials in a comparable and accessible format.

What if you do not have access to the Internet?

If the Internet or necessary technology is not available to your household, you should contact a school principal and/or district administrator for further guidance. If the school is unable to provide

you with access to the Internet or usable technology, they are still required to provide your child with access to the learning materials in a comparable and accessible format.

PROCEDURAL SAFEGUARDS

What rights do I have during the COVID-19 pandemic if I disagree with a decision made by the IEP team or with the way services are provided to my child?

You have the same procedural safeguards that existed before the pandemic. These include the right to request mediation, file an administrative complaint, or file a due process complaint. Some of the processes may be modified to follow state and local mandates related to the COVID-19 pandemic, such as telephonic or video meetings. A copy of your procedural safeguards can be found at <https://education.alaska.gov/sped>

For more questions regarding your child's rights during COVID-19 please contact:

Disability Law Center of Alaska:
3330 Arctic Blvd Suite 103
Anchorage, AK 99503
1-800-478-1234 or email
akpa@dlcak.org *

Stone Soup Group:
307 E Northern Lights Blvd #100
Anchorage, AK, 99503
www.stonesoupgroup.org *
(907) 561-3701 or email
info@stonesoupgroup.org

Governor's Council on Disability and Special Education:
(907) 269-8462 or email
elena.markova@alaska.gov *

** Offices are closed to the public during COVID-19 closures; staff continue to work remotely.*

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