



## Special Education and COVID 19

Governor DeWine ordered all Ohio schools closed. There is the possibility that schools will be closed for the rest of the school year.



### **Does a school have to provide educational services during the temporary school closure?**

Schools are not required to provide educational services if they can meet the state-mandated minimum hour requirements by the end of the school year.



### **If a school provides educational services, what must they do to meet the educational needs for students with disabilities?**

To comply with guidance provided by the Ohio Department of Education, school districts that are providing educational services during the temporary school closure must do the following:

- If a school district is providing a virtual learning environment, it must make a good faith effort to ensure that students with disabilities have computer and internet access.
- All students must have access to required learning materials and technologies.
- Any educational services must include the ability to provide for specially designed instruction, supports, and related services set forth within IEPs and 504 Plans to the extent practicable and without endangering the health or safety of the students, teachers, and staff.
- School must also track the services provided under the IEPs and 504 Plans.
- The schools should provide other therapies (i.e., occupational, physical, psychological, and speech therapies) when practical.
- The schools should consider whether aides and/or assistive technologies can continue to be provided.



### **What if a school is providing educational services to students but is unable to meet the needs of students with disabilities?**

- The school will need to look at compensatory education services and extended school-year services.
- Any compensatory education or extended school-year services must be tailored to the needs of each affected student.
- A school district cannot create a blanket policy for all students with disabilities.



### **Schools must meet upcoming IEP or ETR deadlines.**

- Such meetings may occur via telephone or video conferencing.
- Signatures may be gathered by mail, email, or other electronic means.



### **Schools are responsible for identifying students who may have a disability during the temporary closure period.**

- The district must conduct an initial evaluation and complete an ETR within the required 60-day period to the extent practicable.
- Some delays may occur if the school's closure prevents the collection and review of records or an in-person assessment.



## How is the temporary school closure period affecting due process complaints currently under investigation by the Ohio Department of Education?

- The investigator will have to determine if the investigation can proceed based on information already received from the parents and the school.
- A need for additional information may support a 60-day extension.
- The investigator will notify the parents and the school district if there is an extension.



## What proactive steps can a parent of a student with disabilities take to ensure that their child is getting appropriate services during the temporary closure period?

- Contact the school district's special education director or building principal to get information about:
  - o Educational services being provided to your child during the temporary closure period and the district's efforts to ensure that your child is getting the specially designed instruction, supports, and related services set forth in the IEP or 504 Plan;
  - o The status of an initial evaluation and planned scheduling of an annual IEP or ETR meeting; and/or
  - o To make any request for services.
- Make requests for accessible technologies, therapies, specialized instruction, and/or supports in writing, and keep a copy of the requests for yourself as well.
- Keep a calendar to track your requests for accommodations and services, and the responses to such requests, and note how the communication occurred (i.e., telephone, email, letter, etc.).
- Keep a calendar to track how many minutes of specially designed instruction and related services (such as speech therapy or occupational therapy) your child is receiving to help determine whether any compensatory education may be owed when the schools reopen.
- If you are a low-income parent who believes the school is not providing equitable services for your disabled child, contact your local legal aid for help.



## Additional Resources:

The Ohio Department of Education (ODE) has also issued a factsheet entitled "Considerations for Students with Disabilities During Ohio's Ordered School-Building Closure" which may be found on ODE's [website](http://education.ohio.gov/Topics/Student-Supports/Coronavirus). ODE also has additional information at <http://education.ohio.gov/Topics/Student-Supports/Coronavirus>. The U.S. Department of Education has issued a five-page "Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities" which may be accessed at <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-coronavirus-fact-sheet.pdf>

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