



Coronavirus (COVID-19) Education/Special Education K-12

Special Education Services: How are they impacted by this outbreak?

All California schools have been impacted by the 2019 coronavirus (COVID-19). If your child is eligible for an Individualized Education Program (IEP) or a 504 accommodation plan, your child is still entitled to a free appropriate public education (FAPE). But there is still much confusion about how students with disabilities can access the instruction and services in their IEPs or 504 plans during school closures.

The U.S. Department of Education and the California Department of Education have issued several guidance documents to try to address the confusion:

- On March 12, 2020, the [U.S. Department of Education](#) stated that if a school district continues to provide educational opportunities to the general student population during a school closure, it must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. The student's IEP or 504 team may be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements.
- On March 20, 2020, the [U.S. Department of Education](#) issued supplemental guidance warning schools against refusing to offer any distance learning to avoid its responsibilities under special education law. Students with disabilities are still entitled to a FAPE, but for health and safety reasons their IEPs might not be implemented the way they would be if school was in session. The school may choose to use services provided online including videos with accurate captioning or embedded sign language interpreting, accessible reading materials, and speech or language services through video conferencing. Where there are delays in services, the IEP or 504 team must make an individualized determination whether and to what

extent compensatory services may be needed when schools resume normal operations.

- On April 9, 2020, the [California Department of Education](#) released guidance answering remaining questions regarding services for students with disabilities during school closures. According to the CDE:
 - It is not necessary for school districts to convene an IEP meeting to discuss providing services in the home, but they should where “it is deemed necessary to address unique circumstances related to alternative service delivery.”
 - It is not necessary for school districts to obtain the parent's written consent to provide previously agreed-upon services, away from school.
 - Parents still have the right to request IEP meetings or propose IEP amendments.
 - In exceptional situations, LEAs may provide services in-person in order to maintain students’ mental/physical health and safety during periods of distance learning. Any in-person services must still comply with federal, state, and local health official’s guidance related to physical distancing.
 - School districts must still ensure an IEP or IFSP is developed and implemented by the child’s third birthday.

For more information regarding your child’s special education rights, please view our revised: [Special Education Rights and Responsibilities \(SERR\) Manual](#),