



The Shutdown and Special Ed

Many special education students were significantly impacted by the shut-down of schools caused by the Covid-19 pandemic. Students who should have been identified for evaluation for special education services were never assessed; IEP's were not implemented or updated, and the services that were provided remotely were not always effective.

Schools were not responsible for the pandemic, but they were and are responsible for ensuring that IEP's and 504 plans were and are fully implemented for each student.

If your child experienced a learning loss, there are steps you can take to help your child get back on track.

Compensatory Education

Compensatory education (comp ed) is the way that districts can provide extra services and supports when they have not provided them as they should have in the IEP. These are **in addition** to what they provide currently in the IEP and should be tailored to your child's needs to get them to where they should have been if they received the services all along.

Comp ed is often awarded through due process, mediation, or state compliance complaints. The school or district is found to have failed to provide some or all the services needed and, therefore, must make up for them.

Some examples:

- If your child should have received 4 hours of individual speech therapy per week and didn't, they should receive extra speech therapy on top of what's identified in the current IEP to make up the difference. The extra hours will depend on your child's needs and may or may not be the same number of hours that were lost.

- If you requested an evaluation of your child for special education and the school delayed the request, once your child is evaluated and found eligible, you may request comp ed for services your child going back to the date you originally requested the evaluation.

Learning Recovery Services (LRS)

Learning Recovery Services have been put into place because of school closures due to the pandemic. Districts may have a different term for them, but they all have the same intention. They are meant to provide extra educational opportunities for students to address learning loss. They are available to all students.

There are some important things to know about LRS.

- The school can provide LRS without taking any blame for not providing a free, appropriate public education (FAPE). The learning loss is because of the pandemic, not the school's failure.
- LRS are generally a fixed set of options such as after school tutoring, summer programs etc. They are not tailored to the individual student.
- The set of options are determined by each district. Additional money has been provided to districts for this purpose.

What to do

1. Ask for an IEP meeting to discuss loss of learning due to the pandemic. The law indicates the IEP meeting must be held within 30 days of your request. Put the request (and all requests) in writing and send it registered mail so you have proof it was received.
2. Gather all your proof of learning loss. If you kept data, work samples, video clips, records of services provided, invoices of items purchased etc., pull them all together.
3. Ask for records from the school about your child's education during the pandemic. The law indicates they must be provided within 5 working days. Review them.
4. Write a parent report. This is your evaluation of your child's educational gains and/or losses. You may also include what you think your child needs to make up for lost ground.

5. If you think new assessments are needed, request them from the school. They have 15 days to supply you with an assessment plan. Once you agree with the plan, the school has 60 days to complete them and hold the IEP meeting. The clock stops during school breaks lasting longer than 5 days.
6. At the IEP meeting, discuss the educational losses your child has had. Use the data and materials you've collected to demonstrate the loss. If you have anecdotes or stories that illustrate your points, use those as well.
7. The team should also consider the rate of progress before the pandemic and the rate of progress during the shutdown as a point of comparison.
8. Once the need is established, the team will discuss strategies to address those needs and losses. In the best of circumstances, the team will be creative and consider various ways of meeting your child's needs. This could include comp ed, LRS, or a combination of the two. Learning recovery services may be a part of the plan if it meets your child's individual needs.

Strategies

Equal participation: As the parent or guardian, you have a right to be an equal participant in all decisions about your child's IEP or 504 plan. What this means is that you have the right to make informed decisions and the school may not decide on any part of the plan without involving you. School personnel may do some preparatory work before a meeting, but all decisions must be made by the whole planning team.

Prioritize: Chances are good that you will have to compromise as you negotiate with the school. It is helpful to think in advance about what is most important for your child's education and where you can compromise. A school is not obligated to provide the best education. They are obligated to provide one that helps your child make reasonable progress from grade to grade.

Comp Ed and LRS plans: Schools and districts are developing plans to address comp ed and LRS. Ask your district for theirs and see what they are offering. This will give you some understanding of what your district is doing to help students with learning loss.

Keep good records: Request your child's school records. Make your own records. Write everything down. Keep them well organized.

Build good will: The pandemic has been rough on everyone. Acknowledge that everyone has been trying to make the best of a bad situation. Be assertive about your child's needs while remaining the most reasonable person in the room.

Questions: When you don't understand something or someone makes an assertion that doesn't make sense to you, ask questions to get them to explain themselves. Keep asking until you understand, or their argument falls apart.

Focus on need: Pay most attention to establishing the need and the losses for your child. Use the team to figure out good ways to meet the needs. Have some ideas of your own but stay flexible and focus on the end goal. The team may recommend comp ed, learning recovery services, or a combination of both. All services offered must meet your child's specific needs.

Prior Written Notice: If you ask for something and the school denies it, they must tell you in writing (called Prior Written Notice) and explain why it was denied. If they don't give it to you, ask for it.

Agree, disagree, or both: At the end, take the IEP home to review. Read it carefully to be sure it accurately reflects your discussion and agreements. You can agree with some or all of it. You can disagree with some or all of it. When you sign it, be sure to indicate what you agree with and what you disagree with.

Finally, you may be wondering if you can be reimbursed by the school for the money you spent on school supplies during the pandemic. Because a student in special education is entitled to a **free**, appropriate public education (FAPE), the short answer is yes. However, it may be a lot of work for little pay off and you will have to decide how hard you want to fight for reimbursement.