



COVID-19 and IDEA Part B Special Education

In March 2020, the US Department of Education issued a document, “*Questions and Answers on Providing Services to Children with Disabilities During The Coronavirus Disease 2019 Outbreak*.” It outlines states’ educational responsibilities to children with disabilities and their families and to the staff serving these children.

This document summarizes information contained in the Q&A for parents. The Department of Education Q&A also contains information about early start services. This will be summarized separately.

Neither the Q&A referenced above nor this summary constitutes legal advice. The full document may be found at
<https://www2.ed.gov/policy/speced/guid/idea/memosdcitrs/qa-covid-19-03-12-2020.pdf>.

Q: Must a school or other local education agency (LEA) provide special education services during a school closure due to the COVID-19 outbreak?

A: This type of situation is not specifically addressed under the laws that cover special education and other laws about people with disabilities (IDEA, Section 504, ADA). But we can expect certain things from schools based on these laws.

1. If the LEA closes and does NOT provide any educational services for students, then the LEA does not have to provide special education either during that time frame.

The LEA may have to provide extra services later, known as compensatory services, for the student if they are needed. This decision will be based on the individual needs of the student.

2. If the LEA closes and continues to educate students in some other way, such as through remote classrooms, then it must provide students with disabilities equal access to education. As much as possible, the LEA must provide special education and related services identified in the student’s IEP.



Q: If my child is absent because he or she has COVID-19, does the school have to provide special education and related services for my child?

A: Yes. If your child will be absent for more than 10 days, the IEP team should meet to change your child's placement and other parts of the IEP that will be affected by their education being provided at home. When your child is ill for an extended time, the IEP team must determine if your child will benefit from education and related services being provided at home.

Decisions will also have to be made about how services are being provided. For example, if your child is quarantined, he or she may need to be educated by instruction over the phone or internet. School personnel should follow appropriate health guidelines to minimize the risk of being exposed to the virus.

If your child will not or does not benefit from instruction at home, the IEP team should decide if additional services should be provided at a later time as compensatory education.

Q: If my child attends a public school just for children with disabilities and that school is closed because of the high risk of COVID-19 to those children, but other schools in the district are not closed, does my child still get special educational services?

A: The LEA must determine for each child at the school if he or she would benefit from alternative forms of instruction such as by phone or on-line. School personnel should follow appropriate health guidelines to minimize the risk of being exposed to the virus.

If instruction and related services are not provided, the team should decide if additional services should be provided at a later time as compensatory education.

Q: My child's school is staying open. My child is at high risk of medical complications and is excluded from attending school. Is this considered a change in placement?

A: If the exclusion is temporary, generally under 10 days, it is not a change in placement. If exclusion from school is expected to last longer than 10 days, the IEP team should meet to discuss the potential change in placement and how education and services will be provided.



Update for California

Q: How does the current crisis impact assessments for special education?

A: Governor Newsom signed SB 117 that changes the timelines for assessment plans. When schools are closed due to this crisis, even if they continue to educate students remotely, this closure time will be treated the same way as the summer holidays. This means that schools are not required to develop assessment plans while schools are closed. Usually they have 15 days to give parents the assessment plan. Under SB 117 schools will have the same timelines used for summer breaks. School districts are encouraged to respond to parents' requests for assessments as quickly as possible.