

NO MATTER THE CHALLENGES, STUDENTS WITH DISABILITIES MAINTAIN THEIR RIGHTS!

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AT THE APNI CONFERENCE

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DISCLAIMER

The information shared in this webinar is not intended to serve as, nor should it replace, legal advice. Opinions expressed by today's presenter are not represented to be an official or unofficial interpretation of legal guidance from the U.S. Department of Education or SPAN. Application of information presented may be affected by Puerto Rico's statutes, regulations, local policies and practices, and unique fact-patterns of a particular case.



TOPIC: EVALUATION/RE-EVALUATION

Questions:

1. Can a school district require a parent to waive the 60-day timeline for an evaluation?
2. Can a school district refuse to consider conducting a virtual evaluation even if there are health reasons to do so?

TOPIC: EVALUATION/RE-EVALUATION

Questions:

3. What are some ways for a school district to conduct a remote evaluation/re-evaluation?

4. What can a district do if an evaluation requires in-person or face-to-face administration of an assessment tool or instrument?

TOPIC: ELIGIBILITY

Questions:

1. Have IDEA's eligibility requirements changed due to COVID?
2. Can a district just look at academic performance to identify eligibility for IDEA services?

TOPIC: IEP DEVELOPMENT

Questions:

1. Are the requirements for IEP meetings (timing, notice, participants) changed during the pandemic?
2. Are the requirements for the content of IEPs changed during the pandemic?

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TOPIC: FAPE IN LRE

Questions:

1. What is the responsibility of a district to ensure that students have access to equipment & connectivity for remote/virtual learning?
2. What can I do if my child with a significant disability is not benefiting from on-line instruction?
3. Might extended school year services be considered for a student now even if they haven't received them in the past?

TOPIC: FAPE IN LRE – REMOTE VS. IN-PERSON LEARNING

Questions:

1. My district's plan involves only in-person learning. Can they require parents to sign a waiver of FAPE and IEP implementation if they “opt” for remote learning?
2. My district's plan involves only remote learning. My child cannot benefit from remote instruction. What should I do?
3. My district required parents to select one option at the beginning of the school year and will not allow any changes even if the selected option isn't working for their child with a disability.

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TOPIC: REMOTE INSTRUCTION VS. HOME INSTRUCTION VS. HOMESCHOOLING

Questions:

1. What is the difference between remote instruction, home instruction, and homeschooling?
2. Why does it matter?

TOPIC: COMPLIANCE WITH COVID-19 SAFETY REQUIREMENTS

Questions:

1. Can my child be required to wear a mask to participate in in-person learning?
2. Can my child be disciplined if they do not comply with COVID-19 safety requirements like wearing a mask or maintaining physical distancing?

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TOPIC: COMPENSATORY SERVICES

Questions:

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2. What should the IEP team consider when discussing the possible need for compensatory services?

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TOPIC: TRANSITION TO ADULT LIFE

Questions:

1. How can my youth access transition to adult life services during this pandemic?
2. What if my youth needs extended learning and transition service provision beyond the planned academic year or initial date of exit?

TOPIC: WAIVERS

Questions:

1. Can a school district require parents to sign a waiver of their child's rights to FAPE in LRE as a condition of receiving services?
2. What should I do if I am asked to sign such a waiver?

TOPIC: RESOLVING DISPUTES

Questions:

1. Are dispute resolution procedures and mechanisms waived during COVID-19?
2. What are the dispute resolution mechanisms? How do they differ?
3. What dispute resolution process would be appropriate to obtain compensatory services
4. Who has the burden of proof?

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TOPIC: HOMELESS & DISPLACED STUDENTS

I. What about students who are homeless or displaced as a result of the pandemic, natural disasters, or other reasons?

CPIR RESOURCES

COVID-19 Suite: www.parentcenterhub.org/coronavirus-resources

Evaluations, eligibility, IEP, placement: www.parentcenterhub.org/partb-subpartd/

Procedural safeguards: www.parentcenterhub.org/partb-subparte/

Developing the IEP: www.parentcenterhub.org/pa12/

Dispute resolution: www.parentcenterhub.org/?2=dispute+resolution

SPAN COVID-19 RESOURCES

<https://spanadvocacy.org/home/spans-covid-19-information-page/>

- Face sheets (English and Spanish)
- Sample letters (English and Spanish) including requesting meeting to discuss compensatory services
- Special Education Services tracking log
- Recordings of relevant webinars

OTHER SPAN RESOURCES

Pre-IEP Meeting Letter:

<https://spanadvocacy.org/?s=pre+IEP+meeting+letter>

IEP meeting checklist (for preschoolers and school-aged students):

<https://spanadvocacy.org/?s=IEP+meeting+checklist>

Special Education FAQs (video format):

<https://spanadvocacy.org/video-webinar-archive/faq-special-education/>

CREATING AGREEMENT

IEP Partnership:

<http://www.ideapartnership.org/using-tools/learning-together/collections/411-collection-tools/1579-1579-creating-agreement-collection-tools.html>

COPAA RESOURCES

Burden of proof:

<https://copaa.org/page/BOP>

COVID-19:

<https://www.copaa.org/page/covid-19> (includes information on compensatory services, provision of FAPE, etc.)

RESOURCES ON EDUCATING STUDENTS VIRTUALLY

TIES Center:

<https://tiescenter.org/resources?text=TIES+Distance+learning&type=>

IRIS Center:

<https://iris.peabody.Vanderbilt.edu/module/c19?#content>

NCSI: https://ncsi-library.wested.org/resources?t_id=91; distance learning for students with significant cognitive disabilities: <https://ncsi-library.wested.org/resources/560>

Educating All Learners: <https://eala.wpengine.com/>

VIRTUAL TRANSITION RESOURCES

Transition to Adult Life Virtual Learning Resources:

<https://transitionta.org/covid19>

Workforce Innovation Center TA COVID-19:

www.wintac.org/content/covid-19-resources

QUESTIONS?

