



# Advocates for Justice and Education, Inc.

The Parent Training and Information Center for the District of Columbia

## IDEA Q&A Resource for Families During COVID-19 Response

### Terms in this resource

**IDEA-** Individuals with Disabilities Education Act

**LEA-** Local Education Agency - DCPS is a local education agency, as are DC's Public Charter Schools

**FAPE-** Free Appropriate Public Education - this is what LEAs are obligated to provide eligible students with disabilities under the IDEA

### Will this closure change my child's placement?

No, but your child's education will look very different right now while schools are closed. Families and schools need to work together to determine what their education (including related services) looks like during this closure. If schools close for only a brief time for all students, LEAs must maintain continuity of learning by providing educational services to students with IEPs. For such temporary emergency closures, the provision of homebound services such as instructional telephone calls, homework packets, Internet-based lessons, and other available distance-based learning approaches is not considered a change in placement.

### Is an LEA required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 outbreak?

Students with disabilities are entitled to FAPE whenever their school district is providing instruction. It does not matter if that instruction is provided remotely or in person. However, because of the closures, some students might not receive the FAPE they are entitled to, if this happens the school might owe the student make up services or compensatory education.

### Must an LEA provide special education and related services to a child with a disability who is absent for an extended period of time because the child is infected with COVID-19, while the schools remain open?

Yes, if the child is well enough to receive instruction while at home or in the hospital and is out of school for 10 days or more, the team will need to change the placement on the child's IEP to allow for that service, just as they would for any other hospitalization. The change can be done without a formal meeting (via email or teleconference for example). If this does not happen the school might owe the student make up services or compensatory education.

**What services must an LEA provide if a public school for children with disabilities is selectively closed due to the possibility of severe complications from a COVID-19 outbreak?**

If a school just for students with disabilities has to close, while other schools remain open, schools need to work with families to find a way to provide IEP services during that closure in a way that works for students. This might mean an IEP meeting has to be held to review placement (this meeting can be telephonic), if the school doesn't do this, the student might be entitled to compensatory education and/or missed services.

**If a child with a disability at high risk of severe medical complications is excluded from school during an outbreak of COVID-19 and the child's school remains open, is the exclusion considered a change in educational placement?**

Yes. If your student can not go to school for a disability related reason for 10 days or more, then the family and the school need to meet to determine if another placement is needed to provide instruction. This meeting can happen telephonically or via email.

**May an IEP Team consider a distance learning plan in a child's IEP as a contingency plan in the event of a COVID-19 outbreak that requires the school's closure?**

Yes. Contingency plans can be very helpful and can be included in IEPs.

**What if I am in the middle of an Evaluation or Re-Evaluation?**

Families and schools need to work together to safely schedule evaluations. If closures result in a delay beyond the statutory time period (60 days for initial evaluations in DC), families and schools need to work together to determine if the student needs compensatory education as a result of that delay, if the delay prevented the student from accessing needed services.

**I am worried my student won't meet their IEP goals as a result of this closure, what should I do?**

All families and schools should meet after the COVID-19 response to determine what if any progress has the student made on their IEP goals and if the student needs compensatory education and/or make up services as a result of the closures; if so, develop a plan to provide those services. Schools and families should also meet to see what, if any changes to the IEP are needed.

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For more resources on IDEA and COVID-19, visit the Department of Education Website:  
<https://www.ed.gov/coronavirus>

Additional Resource on AJE's website:  
<http://www.aje-dc.org/2020/03/24/four-federal-resources-for-families-about-students-with-disabilities-covid-19/>