

Serving Students With Disabilities During the COVID-19 Crisis: Spotlight on Policy & Practice



Part 2: Family–School Collaboration

The outbreak of COVID-19 launched the United States into a public health crisis, impacting families, schools, and communities in unprecedented ways. During this uncertain time, under entirely new and definitely *not* ideal conditions, we have to address students’ many needs, including nutrition, physical and mental health, internet access, and the accessibility of online learning options. To get through this, we’ll have to be creative and innovative. We’ll need to work together and help each other.

NCLD is committed to addressing these issues and sharing what we learn about serving students with disabilities—even while we’re learning it. When states began shutting down schools, one question emerged immediately: How will schools provide individualized services to students with disabilities? It’s clear that districts continue to have an obligation to provide a free appropriate public education (FAPE) to students with disabilities. And educators need to ensure that *all* students are learning. There’s already a dramatic gap in achievement and outcomes between students with disabilities and those without disabilities. This gap is even wider for students of color with disabilities. If educators wait until the world returns to normal to provide an education to students with disabilities, these students will fall even further behind. And educators will struggle to help them make up for this lost time. Working together, families, schools, and communities must be flexible. They must communicate effectively and continue to educate all students to the best of their ability.

As a start, NCLD has compiled common questions, emerging best practices, and examples of how educators, schools, districts, and states can and should move forward during this challenging time *without* stepping back from IDEA or civil rights. This document is the first in a series that will highlight good ideas, creative thinking, and concrete examples of how families, schools, and communities are continuing to serve students with disabilities. The issues we explore include:

1. Effective communication and collaboration between educators
2. Innovation in instructional practices and provision of related services
3. Planning ahead to provide students with compensatory services
4. Strong school-parent communication and partnership
5. Effective use of funding to support the most vulnerable learners

Part 2:

Family-School Collaboration

During this uncertain time, family-school collaboration is more essential than ever. Families and educators are dealing with new challenges and stressors. Everyone's situation will be different. Meaningful and clear communication and collaboration between parents and schools can go a long way toward solving problems. Innovation while school buildings are closed will help us all avoid disagreements upon their reopening.

FAQs

- 1. How can a school or district ensure that parents of students with disabilities are included in decisions about their child's education?**

Answer:

Parent-teacher communication is critical to ensuring that the needs of students with disabilities are met during the COVID-19 crisis. Now more than ever, consistent and clear communication is essential. IDEA already requires parents to be involved in the planning and implementation of a student's Individualized Education Program (IEP). How that is conducted is largely left up to schools—there's a lot of flexibility given under the law.

Schools can use various types of electronic communication to meet their obligations, including videoconferences, phone calls, and emails. Many schools are already using virtual options to maintain the partnership between parents and teachers during school closures. It's important to think of ways that educators can support parents through consultation, where parents can ask questions about how to support their children during distance learning and virtual learning. Providing parents with multiple options for this communication, such as videoconferences, phone calls, or message board posts in the appropriate language, will help address parents' needs.



What This Might Look Like in Practice

“Every course has a link to the online work. Families and students have one place to find everything. There was clear communication about the plan for week one; student and teacher expectations were stated. Laptop, book, and related material pick-up times were made available two different days. Each special educator reached out to every one of their students with information about how to reach the educator and when. Educators follow up with students and parents each week to ensure students had the information they needed and could access their work. A note went home from the special education coordinator to every family with information about what to expect, how to access free internet if needed, and more.”

– Colleen Meaney, Francis W. Parker Charter Essential School, Devens, MA

“One teacher is providing recorded Foundations lessons for new readers or students with dyslexia that are short and engaging. It was so nice to see her teacher’s face, too, and it was easy for me as a parent to understand how to support my learner.”

– Sarah Barnes, High Tech High, San Diego



What This Might Look Like in Policy

Here’s an example of how the Connecticut Department of Education urged districts to communicate proactively with families of students with disabilities:

“Acknowledge in your communications to all parents that either you have a plan for providing equitable access and special education and related services or are developing such a plan. **Develop a protocol to communicate proactively with parents and guardians regarding their child’s IEP services during a closure taking into consideration the parents’ preferred method of communication.** This should be done on an individual basis and school districts should not rely on communications to the entire district to provide this information. As soon as possible, notify parents or guardians of students with disabilities of your individualized plan for that student to access continued educational opportunities. Include the input of parents or guardians and the student, as appropriate, when discussing the plan. Allowing parents to provide feedback provides parents, and ultimately, students, a voice in the process, rather than simply notifying them of the result. **This communication should be ongoing throughout the implementation of the plan so that the educators delivering and/or overseeing the services can make adjustments to the plan when appropriate.**”¹

2. Can parents file a due process complaint for failure to meet FAPE?

Answer:

A parent's right to due process remains intact during this time. However, IDEA offers a great deal of flexibility for parents and schools to mutually agree to waive specific requirements or timelines, particularly around evaluations, IEP development, and more. It's essential for schools to clearly and consistently communicate with parents and articulate which services can be provided and how. If services cannot be provided adequately in an online setting, the school should document this unmet need and share with parents its plans for providing compensatory services. Schools should strive to provide appropriate services as soon as feasible under the circumstances. This collaboration and mutual understanding can decrease the likelihood of due process complaints.



What This Might Look Like in Policy

Example 1: In the aftermath of Hurricane Sandy, the New York State Department of Education issued guidance stating:

"... in an emergency situation where the acts of nature prevent a school district from meeting its IDEA requirements, the State will not issue findings of noncompliance to a school district because of its failure to meet these requirements when it is evident that they are the direct result of the State disaster emergency. **It is expected that school districts will use such flexibility only to the extent and for the duration as absolutely necessary** and consistent with the conditions they are facing to bring normalcy back to the education programs for their students with disabilities."²

Example 2: The Minnesota Department of Education reminded districts that they can work with parents to mutually extend the due process timeline:

"When a parent files a due process complaint, the local education agency (LEA) must convene a resolution meeting within 15 days of receiving notice of the parent's complaint, unless the parties agree in writing to waive the meeting or to use mediation. **While the IDEA specifically mentions circumstances in which the 30-day resolution period can be adjusted, it does not prevent the parties from mutually agreeing to extend the timeline because of unavoidable delays caused by the COVID-19 pandemic.** Additionally, although a hearing decision must be issued and mailed to the parties 45 days after the expiration of the 30-day resolution period or an adjusted resolution period, a hearing officer may grant a specific extension of time at the request of either party to the hearing."³

Endnotes

- 1 Available at: <https://portal.ct.gov/-/media/SDE/Digest/2019-20/March-24-2020-LEA-Memorandum-BSE-COVID-19.pdf?la=en>
- 2 Available at: <http://www.p12.nysed.gov/specialed/publications/HurricaneSandy-specialed.pdf>
- 3 Available at <https://education.mn.gov/MDE/dse/health/covid19/spedcovid19/MDE032087>



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