The COVID-related school closures that stretched from 2020 to 2021 have stressed families, caregivers, schools, and children. School disruptions have resulted in instructional loss for the vast majority of children. These disruptions are likely to have a larger impact on some students than others, despite dedicated support from families and caregivers.

Children with disabilities and those who are suspected to have disabilities face unique challenges. For those with previously identified disabilities, it may have been harder to receive specially designed instruction or related services during the pandemic due to the virtual and remote nature of learning. Additionally, reevaluations and updates to children’s IEPs based on their changing and growing needs may have been difficult to manage remotely and with social distancing requirements. For students struggling during the pandemic (in light of instructional loss, stress, and disruptions) and suspected to have a disability, it may be more difficult for educators and caregivers to evaluate whether learning challenges are caused by COVID-related difficulties or a disability.
Families and caregivers have played a critical role in supporting students through blended and virtual instruction. As a result, caregivers have gained valuable information about the strengths, challenges, and needs of their children. Caregivers will be integral in helping schools navigate COVID-related challenges and in providing children with the supports they need to access a challenging, grade-level curriculum.

If your child has already been identified as having a disability and has an IEP, you may be wondering how to make sure the IEP meets current needs. Or you may have questions about the reevaluation process and procedures due to the pandemic. If your child is struggling and you suspect a disability, you may have questions about how the school will evaluate and make their determination. And any caregiver may also be wondering how schools will get students back on track by providing high-quality instruction and evidence-based interventions to make up for lost instruction over the last year.

This document offers questions that caregivers can ask to work in partnership with schools to implement policy and practices that will support all children, especially those most negatively impacted by COVID.
Core Rights of Families and Caregivers Provided by IDEA

Families and caregivers have extensive rights under IDEA. These include:

**Participation.** You have the right to participate in meetings about your child’s education. This includes asking for a review of the IEP at any time.

**Independent educational evaluation (IEE).** You have the right to get your child an IEE if you disagree with the district’s evaluation or if the district is not conducting the evaluation as you see fit. The district must consider the IEE but doesn’t have to accept the findings.

**Informed consent.** If the district chooses to refer your child, you have the right to be notified and receive information about what the process will include.

**Dispute resolution.** If you disagree with the district’s decisions regarding the evaluation and supports, you have the right to negotiate with the district and, if needed, file a written complaint to request a hearing.

For more information, see [here](#).
Parent and Caregiver Guide to Special Education Evaluations

Topic #1: High-quality instruction and grade-level standards

Given the widespread instructional loss over the last year, it is important for all schools to focus on providing high-quality instruction to every child. Children are more likely to make up for lost time and meet grade-level standards more quickly when exposed to grade-level standards, rather than receiving remediation in the areas they may have missed. (For more information on the research around accelerated learning, see NCLD’s report.) To better understand how your district is making decisions about curriculum and how they will address instructional loss for all children, consider asking the following questions:

• How does this year’s curriculum align to grade-level standards?
• How are you evaluating my child’s instructional needs and current performance?
• How is my child performing based on grade-level standards?
• How do those assessments drive instruction and additional supports for the whole class and for individual students?

Topic #2: Whole-class and individual academic interventions and progress monitoring

Given widespread instructional loss, the vast majority of children will benefit from whole-class interventions to address academic standards that children did not master in the previous school year. Some children will need more intensive interventions, and those supports should be provided as soon as the need is identified to prevent children from falling further behind. Schools should also have a plan in place to provide progress monitoring so they can regularly assess where students are struggling and need additional support. To better understand the additional academic supports and interventions available to children, consider asking the following questions:

• How are you adapting curriculum and instruction to address any missed instruction and to accelerate learning for all children?
• If my child needs more, what additional supports and interventions are available?
• How does my child qualify for those additional interventions?
**Topic #3: Behavioral supports to meet the needs of the whole child**

COVID-related school disruptions impacted children’s social and emotional well-being as well as their academic performance. As schools fully reopen and communities resume many activities paused by COVID, educators should support children as they readjust to school routines and expectations, encouraging positive behavior and allowing room and support for children to work through trauma. To better understand your district’s approach to supporting children’s behavior, consider asking the following questions:

- How does this year’s curriculum align to grade-level standards?
- What resources are available to all children to support them emotionally and behaviorally?
- Is the school using positive behavioral interventions and supports (PBIS)?
- Is the school pausing its use of exclusionary discipline as students readjust to school?

**Topic #4: Evaluation of children suspected to have a disability**

IDEA requires that all children referred for special education be evaluated in 60 days. This ensures that children, if eligible, receive specially designed instruction quickly to maximize learning. However, school closures and social distancing requirements may have delayed these evaluations for some children or made evaluations more difficult. To better understand how districts are providing timely evaluations, consider asking the following questions:

- How will the process and timeline for an evaluation look different, if at all, due to COVID?
- How can I participate and what information can I provide to inform the evaluation process?
- How are you adapting interventions and supports available to my child now to maximize learning before the evaluation is complete?
**Topic #5: Reevaluations for students previously identified as having a disability**

IDEA requires that all children found eligible for special education be reevaluated at least once every three years (unless caregivers and the school agree it is not necessary) and no more than once per year. However, school closures and social distancing requirements may have delayed these evaluations for some children or made evaluations more difficult. To better understand how districts are providing timely reevaluations, consider asking the following questions:

- When can I expect the reevaluation for my child to be complete?
- Which areas of my child’s development and functioning will you consider as part of this reevaluation and in light of the impact the pandemic has had?
- How can I participate and what information can I provide to inform the reevaluation process?
- How are you adapting interventions and supports available to my child now to maximize learning before the evaluation is complete?

**Topic #6: Data collection for evaluations and determining eligibility for special education**

Evaluations for special education should be comprehensive and tailored to the child’s learning and behavioral needs. IDEA requires that teams of education professionals review multiple data points and look for a preponderance of evidence that a child has a disability rather than use just one datapoint. COVID-19 related school disruptions have made data collection and observations of student performance more difficult, but the widespread learning loss makes such data collection incredibly important. To better understand how districts are adapting evaluation procedures as a result of COVID-19, consider asking the following questions:

- What data are you collecting to determine my child’s eligibility for special education?
- How can I share my insights on my child’s learning?
- How, if at all, does the administration of the assessments as part of the evaluation differ from what would be expected before the pandemic? How does that influence the way you are using the data?
**Topic #7: The rights of children and caregivers under the Individuals with Disabilities Education Act (IDEA)**

For children suspected to have a disability or those with a disability, IDEA guarantees children and their caregivers rights. The U.S. Department of Education did not waive any of those rights during COVID-19. To better understand how the district is adhering to IDEA to provide a free and appropriate public education in the least restrictive environment, consider asking the following questions:

- How is my child receiving the services and supports outlined in their IEP regardless of learning environment changes caused by COVID-19?
- If my child has missed out on certain specially designed instruction or related services during the pandemic, how will we measure that loss and ensure that my child receives what they are entitled to?
- What adaptations do you suggest to the IEP to account for last year’s school disruptions, the widespread instructional loss, and new challenges that may exist for my child?