



Your Child's Special Education Rights During COVID-19 Remote Learning and When They Return to School

May, 2020

Equip for Equality

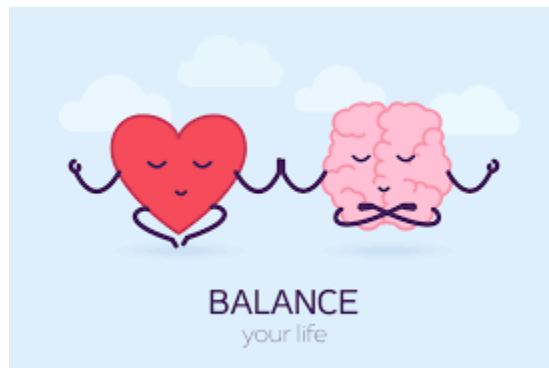


What is the main reason you're attending today?

- A. Parent
- B. School staff
- C. Service provider
- D. Other

Take Care of Yourself and Your Family

- You are not a teacher and the school cannot expect you to know how to be a teacher.
- The most important thing is to take care of yourself and your family.
- Equip for Equality is here to help you!





Special Education Law Basic Terms

- IDEA: Individuals with Disabilities Education Act
- FAPE: Free Appropriate Public Education
 - Need to learn or get some benefit
 - NOT what is best
- IEP: Individualized Education Program
- Related services – what is needed to benefit from education
- Compensatory Education- extra help or services that you might be able to get to make up for missed services or because your child regressed (had a setback) on IEP goals

Right to Special Ed Services during COVID-19 Remote Learning

- US DOE: if schools are giving educational services to gen ed students, they must give special education services – i.e. to follow your child's IEP as much as possible – even during remote learning.
- Illinois: All schools ordered move to remote learning on March 31, 2020.





What's Your Experience?

Have you gotten a written remote learning plan from your child's school or teacher?

- A. Yes
- B. No



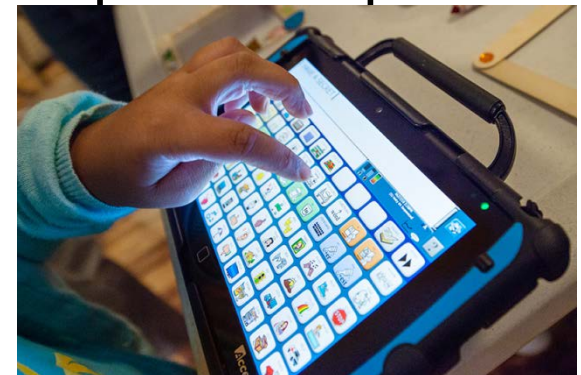
What's Your Experience?

Has your child had remote sessions with any of these related services providers?

- A. Speech pathologist
- B. Social worker
- C. Occupational therapist
- D. Physical therapist
- E. Other
- F. No

What services should my child get?

- Work on IEP goals;
- Have help from an aide if she had it before;
- Have modifications such as more time on tests;
- Have therapies, such as speech, physical (PT) and occupational (OT);
- Get social work and counseling services; and
- Get assistive technology, such as a computer or special learning program, if that is what your child needed to learn in school.





Remote Learning Plan without Enough Information

<i>Session Type</i>	<i>Individual, Group, or Both</i>	<i>Application (Zoom, Google)</i>	<i>Skill(s) to be addressed</i>	<i>Estimated Minutes</i>	
academic instruction	Both	zoom/phone	math-computation/word problems	times may vary	per month
academic instruction	Both	Zoom	writing-conventions/organization	times may vary	per month

- Ask for specific minutes (e.g. 60 minutes per week)
- Ask for a schedule



Tyell

- 3rd grader with autism in separate special education classes for core academic classes
- Teacher sends tip sheets and things to do, but as parent, I have to act as the teacher
- Should be getting speech, OT, and social work
- No formal remote learning plan
- Not getting any related services
- Has behaviors to call into Google Meet (calls 2x per week for 30 minutes to play games as a class)
- Not getting any teaching– just worksheets
- What can I do? What should I get?

Isabel

- 6th grader with a specific learning disability with a multisensory reading program.
- I don't think the outlined schedule is going to be enough to meet her learning needs or follow the Wilson reading program.
- What can I do?

	Monday	Tuesday	Wednesday	Thursday
9:00 - 9:30	Ms. [REDACTED] (Reading)			
9:30 - 10:00	Ms. [REDACTED] (Math)			
10:00 - 10:30	Mr. [REDACTED] (Science)		Mr. [REDACTED] (Social Studies)	
10:30 - 11:00	Ms. [REDACTED] 1:1		Ms. [REDACTED] 1:1	



Juan

- 10th grade student with an emotional disability and often defiant and aggressive behaviors
- Has short check-ins with the social worker twice a week
- Has to log into Google classroom by himself to get work and turn in homework
- He doesn't want to do the remote classes or his remote work
- What can I do? What should I ask for from the school?

You Should Not Waive Any Rights

- The school should not ask you to sign a form waiving (giving away) any rights.
- Contact our Helpline if the school asked you to sign a form giving up:
 1. services now or
 2. compensatory education (extra services later)





Example of Waiver – DO NOT SIGN

- * The School District cannot control or guarantee the confidentiality of sessions held on any remote electronic platform or application. District personnel cannot control who is listening or viewing the sessions in each household. Parents/guardians should consider this when deciding whether to consent to their child's participation.
- * If Parents/Guardians decline to consent, the services will not be made up or provided in a compensatory manner. However, the School District will consider requests for alternative service delivery depending on each child's unique circumstances. Contact your child's case manager or building principal to discuss available options.
- * Parents/Guardians may request that the sessions stop at any time by notifying their child's case manager or building principal in writing.
- * School personnel will develop the date/time schedule for the session(s).

- I have read this consent form and have had an opportunity to review information about the application(s) to be used to deliver the identified session(s) to my child remotely. I agree to notify the School District if my child requires a device to access these sessions. I agree to the terms listed in this form and hereby give consent for my child to participate.
- I DO NOT CONSENT TO REMOTE LEARNING SESSIONS FOR MY CHILD.

Parent/Guardian signature

Date

Please sign and date (electronic/typed signatures will be accepted) or take a photo of the signed form and return to your child's case manager. Thank you.



What's Your Experience?

Have you been asked to sign a paper to waive education services now or compensatory education services later?

- A. Yes
- B. No

What is Compensatory Education?

- Extra educational services to make up for past missed services or past inappropriate services
- Put the student in the place he/she would have been if the student had received a FAPE
- Example: additional speech therapy in future for missed speech services
- It is important to keep a good record if you want to try to get compensatory education (extra services/help)





Tracking Important Information During Remote Learning

Write down all communication
and keep a record

Send email
follow ups

Let the school
know in writing
of technology or
behavior
problems

Track time on
remote learning
work with and
without the
school/teacher's
help

Track progress
or regression (falling behind)
that you see



Sample Tracking Forms

INFORMATION TRACKING FORM

Student: _____

School/ District: _____

Distance Learning

Date	Topic	Persons Involved	Time spent	Comments
Examples:				
4/1/20	Reading	Teacher	45 min	Amanda was focused for 20 minutes during lesson
4/1/20	Speech	Speech Therapist	10 min	Amanda worked independently with therapist
4/1/20	Writing	Mom		Mom had to work and was unable to help with Amanda's writing assignment



Sample Tracking Forms

Student: _____

School/ District: _____

Communication/School Contact Log

Date	Type	Persons Involved	Time	Notes
Examples:				
4/1/20	Email	Teacher	8:00 am	Cannot access online lesson
4/1/20	Zoom	IEP team	1:00 pm	IEP meeting to address no PT services provided



Sample Tracking Forms

Behavior Log

Student: _____

School / District: _____

Month April Year 2020

Week of	Monday	Tuesday	Wednesday	Thursday	Friday
EXAMPLE: 5 th – 10 th	1. Great DAY	3. all day No school work	2. Only paid attention ½ day	1. Great Day	
13 th – 17 th					

1. Paid attention during learning time

2. Paid attention half the time

3. Unable to pay attention



Timelines for IEPs and Evaluations

- “Remote Learning” days are school days.
- “Act of God” days (March 17-30) do not count as school days.

Action Step	Timeline
Ask for IEP meeting	School must answer in 10 calendar days
Ask for Evaluation (Testing)	School must answer in 14 school days
Agree to Evaluation (Testing)	Finish in 60 school days* *Some assessments (tests) may be impossible to do remotely. Talk to your school about any concerns

Possibility of Compensatory Education (Extra Help/Services)

- No compensatory education for services missed “Act of God” days - March 17-30
- Each day after that is a school day.
- Talk about compensatory education (needed extra help/services) at an IEP Meeting.



Protect Your Child's Rights



DO	DON'T
<p>Ask for an IEP meeting via phone or video conference to talk about a distance learning plan</p>	<p>Don't sign any waivers of your child's educational rights</p>
<p>You can agree to distance learning plans without agreeing that the plan provides a FAPE</p>	<p>Don't agree to take away or cut any services in your child's IEP just because the school says it cannot give those services right now through remote learning</p>



Points to Remember

- Try your hardest to keep track of how your child is doing on her school work.
- Talk (or email, if possible) to your child's teacher if your child is having trouble.
- Do not be hard on yourself.



We're Here to Help You!

Equip For Equality's Special Education Clinic

Call for Free Legal Information and Advice

1-866-KIDS-046

1-866-543-7046

contactus@equipforequality.org

www.equipforequality.org