



Accessing Special Education During COVID-19

IS MY CHILD STILL ENTITLED TO SPECIAL EDUCATION WHILE SCHOOL BUILDINGS ARE CLOSED?

Yes. The laws protecting the rights of special education students still apply during this time.¹ School districts must provide a free, appropriate public education (“FAPE”) to students with disabilities. However, if a school district is **not** providing remote learning to general education students, they do **not** have to provide it to students receiving special education either.

WHAT TYPE OF SPECIAL EDUCATION, RELATED SERVICES, AND ACCOMMODATIONS SHOULD MY CHILD RECEIVE WHILE SCHOOL BUILDINGS ARE CLOSED?

FAPE must still meet the individual needs of each student. And it can look different for each student. It might include additional written materials, instruction or related services. This support might be provided online, through video conferencing, or by telephone.

Many accommodations and modifications can still be provided during remote learning. Here are some examples:

- Extended time to complete assignments
- Videos that include either captioning or sign language
- Reading materials in more accessible formats
- Related services, such as counseling and speech therapy, provided through video conferencing or by phone.
- Modified curriculum to meet the needs of an individual student
- Direct instruction from a special education teacher for a short period each day, for students who have “resource” as part of their IEPs.

School districts should still have special education teachers working with general education teachers to modify lessons and meet the needs of each student.

Some accommodations and modifications will have to be adjusted during remote learning to make sure all students can benefit. Students who receive behavior supports should have appropriate school staff check in with them and/or their parent. Parents might need training. However, remember that it is okay to be flexible. It might not be possible to safely provide certain services. Parents and school districts need to work together during this time.

DOES THE INSTRUCTION HAVE TO BE ACCESSIBLE?

Yes. All students must have equal access to materials, whether written or online. This means that either the materials need to be made accessible to the student or the student needs an alternative way to access it. For example, if a teacher has a student who is blind and cannot make the written materials accessible, they could call the student to provide the information verbally.

WHAT IF MY FAMILY DOES NOT HAVE ACCESS TO A COMPUTER OR LAPTOP?

Contact your local school district. Most districts are arranging for students to borrow laptops so they can participate in remote learning.

WHAT IF MY FAMILY DOES NOT HAVE ACCESS TO INTERNET?

Contact your local school district and local internet provider. Some providers are offering free services for school-age children during closures or opening free Wi-Fi “hot spots.” Some districts are providing internet “hot spots” for students. Some phone companies are also offering customers free unlimited data or offering discounted data plans for low-income families during this time. This website may be helpful in identifying what free or reduced service offerings are available in your area:

<https://www.ncbroadband.gov/covid19broadband/>.

WHAT IF I HAVE NOT HEARD FROM MY CHILD’S TEACHER?

Contact your child’s teacher, special education teacher, principal, or EC Director by calling or emailing and ask about services. You can find the email address of your child’s [EC Director here](#).

ARE IEP MEETINGS STILL OCCURRING DURING SCHOOL CLOSURES?

Yes. School districts and parents should be working together to schedule essential IEP meetings. These meetings will happen by video conferencing or by telephone. Most districts are scheduling Annual Review and Transition IEP meetings first. If you are unable to access the technology required to video conference, let the school district know. School districts must hold meetings in a way that parents can meaningfully participate. Parents and school staff might have to be flexible when it comes to scheduling and rescheduling IEP meetings during this time.

CAN MY CHILD’S IEP BE MODIFIED WHILE SCHOOLS ARE CLOSED?

Yes, IEPs can be modified, either in a remote IEP meeting or in a written amendment agreed to by both the parent and school. However, it is not necessary to modify a child’s IEP while schools are closed for the child to be able to receive different accommodations, modifications, or services from home.

ARE STUDENTS STILL REQUIRED TO TAKE STANDARDIZED TESTS?

Probably not. North Carolina received a waiver of federal testing requirements from the United States Department of Education. The NC Department of Public Instruction (DPI) and the State Board of Education (SBE) are now working with the NC General Assembly to waive state required assessments.

WHAT IF ENGLISH IS NOT OUR FAMILY'S NATIVE LANGUAGE?

Parents have the right to receive information and communication with staff in their native language. If your child's native language is not English, you should contact your child's school. If you are attending an IEP meeting during this time, you can still have an interpreter at no charge. You can request a translation of the updated IEP in your native language. You can also request translations of all notices, updates, and any other relevant materials in your native language.

WILL MY CHILD BE ENTITLED TO COMPENSATORY EDUCATION FOR MISSED INSTRUCTION AND SERVICES?

Maybe. This will be determined individually, case by case. Parents should keep track of all services received and missed during this time. If students without disabilities are receiving remote learning, a school district cannot refuse to provide special education. They cannot simply offer compensatory education in the future instead. Remember, flexibility is permitted when necessary. It may take time for a school district to set up remote learning. It is important for school staff and parents to work together.

WHAT SHOULD THE IEP TEAM CONSIDER WHEN DETERMINING IF COMPENSATORY EDUCATION IS APPROPRIATE OR IF CHANGES NEED TO BE MADE TO THE STUDENT'S IEP WHEN SCHOOLS RE-OPEN?

At a minimum, parents and educators should be looking at the following:

- Did the student receive instruction and related services during the school closure?
- Were other students receiving instruction, including general education students?
- Is there accurate documentation of the services the student received?
- Did the student regress in skills as a result of the missed instruction?

WHO SHOULD PARENTS CONTACT WITH QUESTIONS?

1. Your local school district: your child's teacher, Exceptional Children's (EC) case manager, principal, or EC Director.
2. NC Department of Public Instruction (DPI)'s EC Division by calling 919-807-3969.
3. Visit your school district's website for contact information or instructions specific to your district.
4. You can also visit DPI's website for additional information and guidance: <https://www.dpi.nc.gov/news/covid-19-response-resources>.

[Disability Rights North Carolina](#) may also be able to assist you with your issue.

Email: intake@disabilityrightsncc.org

Call: 919-856-2195

Toll free within NC: 1-877-235-4210

TTY: 1-888-268-5535.

DRNC appreciates Disability Rights New York for developing the original version of this fact sheet.

¹ The Individuals with Disabilities Education Act (“IDEA”), Section 504 of the Rehabilitation Act (“Section 504”), and the Americans with Disabilities Act (“ADA”) protect the rights of students with disabilities.