



Parent Advocacy Network

*Empowering families, professionals,
and others interested in the well-being
and education of children and youth*

In this fact sheet:

- ***Remote Learning and Related Services***
- ***Consent/Release Forms***
- ***Virtual IEP Meetings***
- ***Services to Students***
- ***Compensatory Services***
- ***Links to Additional Resources***

{and more}

SPAN Parent Advocacy Network

35 Halsey St., 4th floor
Newark, NJ 07102

VOICE: (973) 642-8100

FAX: (973) 642-8080

TOLL-FREE: (800) 654-7726

SPAN FACT SHEET

Even in the midst of a global health crisis, students with disabilities are entitled to educational services. The IEP team is still responsible for making decisions regarding a student's educational programming.

The IEP Process During the COVID-19 Crisis

This Fact Sheet contains important information for families related to special education services being provided via distance learning.

Remote Learning and Related Services

Guidance released from the US Department of Education on March 21, 2020 confirms the rights of students with disabilities to receive special education and related services as required under the Individuals with Disabilities Act (IDEA) during the COVID-19 pandemic. As schools shift to online learning platforms, it is important for schools and families to consider the special learning needs of their students and to plan accordingly. Remote learning is a new experience for everyone and communication is key to ensuring the student's needs are met. Keep a daily log of all services provided during this period of remote learning. See page 2 of this Fact Sheet for a link to a sample form.

Consent/Release Forms

Some school districts are asking parents to sign release forms before they will provide services. Parents need to be aware of the following precautions:

- If you do not understand any part of the form, do not sign. Instead, have it reviewed by an attorney or someone you trust.
- If you are in disagreement with any section of the form, use a black marker to remove the sections you disagree with before signing.
- You can also add any statements you believe to be appropriate to the form before signing.

Virtual IEP Meetings

It may be difficult for parents to effectively participate in IEP meetings via telephone or video conference. If you can wait until school is back in session to schedule an IEP meeting, send an email message to your case manager providing your consent to extend the existing IEP until an in-person meeting can be scheduled.

If you cannot wait until school is back in session, here are some things to keep in mind if you participate in a virtual IEP meeting:

- Your parental rights as listed in the PRISE booklet remain the same
- Request a copy of the draft IEP in advance of the meeting
- Audio record the meeting
- Invite someone you trust to participate in the meeting with you
- Do not agree to change your child's placement to home instruction
- Do not agree to any reduction in services
- If you disagree with the IEP generated as a result of the meeting, you will have to file for mediation/due process within 15 calendar days of your receipt of the IEP document to resolve the dispute.

(continued on page 2)

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Virtual IEP Meetings *(Continued from page 1)*

You can also send a written request to amend the IEP without an IEP meeting to avoid participating in a virtual meeting.

Services to Students

On March 6, 2020, the NJ Dept. of Education directed each school district to develop a preparedness plan for the provision of home instruction for all students, including students with disabilities. This plan should also address the provision of school nutrition benefits or services to eligible students. This guidance also states that any day in which students impacted by a public health-related school closure have access to home instruction services will count as a day in which the BOE has provided public school facilities toward its compliance with the 180-day requirement.

It is important to note that these rule modifications alone **do not ensure that school districts will meet their legal obligation to provide a free and appropriate public education (FAPE)**. These rule modifications are intended to provide IEP teams with the flexibility necessary to implement services during unprecedented school closures. However, the modifications do not relieve a school district of the responsibility to ensure that the services implemented are properly individualized and are most appropriate for a student with disabilities.

Although federal law requires distance instruction to be accessible to students with disabilities, **it does not mandate specific methodologies**. Where technology itself imposes a barrier to access or where educational materials simply are not available in an accessible format, educators may still meet their legal obligations by providing children with disabilities equally effective alternative access to curriculum or services provided to other students.

Compensatory Services

IEP Teams will make individual determinations whether and to what extent compensatory services may be needed when schools are back in session. Parents should keep a daily log of all services their child is receiving. If your child is regressing or if you are seeing skill stagnation, send a detailed letter to your case manager documenting your concerns and your expectation that compensatory services will be provided once school is back in session.

Links to Additional Resources

- Special Education Services Log:
<https://docs.google.com/document/d/1Hy-RaqddpTFafxMa-ok6jzJWC2hOV1ZCiO4y8lpVkJQ/edit>
- Virtual IEP Meeting Tip Sheets:
<https://www.parentcenterhub.org/virtual-iep-meeting-tip-sheets/>
- Sample letters - Compensatory Services
 - General:
<https://spanadvocacy.org/wp-content/uploads/2020/06/Sample-Letter-Comp-Svs-GENERAL.pdf>
 - Extended School Year:
<https://spanadvocacy.org/wp-content/uploads/2020/05/Sample-Letter-Comp-Svs-ESY.pdf>
 - Transition to Adulthood:
<https://spanadvocacy.org/wp-content/uploads/2020/05/Sample-Letter-Comp-Svs-Transition.pdf>

Key Information

- On March 6, 2020, the NJ Dept. of Education directed each school district to develop a preparedness plan for the provision of home instruction for all students, including students with disabilities.
- School districts must ensure that, **to the greatest extent possible**, each student with a disability can be provided with the special education and related services identified in the student's IEP.
- On April 1, 2020, the NJ Board of Education adopted **temporary rule modifications** to the special education regulations to allow school districts to deliver special education and related services to students with disabilities through the use of telehealth, telemedicine, electronic communications, remote, virtual, or other platforms.

Learn more:

US Department of Education March 21, 2020 Supplemental Fact Sheet on COVID-19:
<https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf>

NJ Department of Education April 1, 2020 Memo on the provision of related services during extended school closures:
<https://www.nj.gov/education/broadcasts/2020/apr/3/Providing%20Special%20Education%20and%20Related%20Services%20to%20Students%20with%20Disabilities%20During%20School%20Closures%20as%20a%20Result%20of%20COVID-19.pdf>

NJ Department of Education April 30, 2020 Memo regarding the prohibition of parental waivers of special education services:
<https://www.nj.gov/education/broadcasts/2020/apr/30/Parental%20Waivers%20for%20the%20Delivery%20of%20Remote%20or%20Virtual%20Special%20Education%20and%20Related%20Services.pdf>



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