

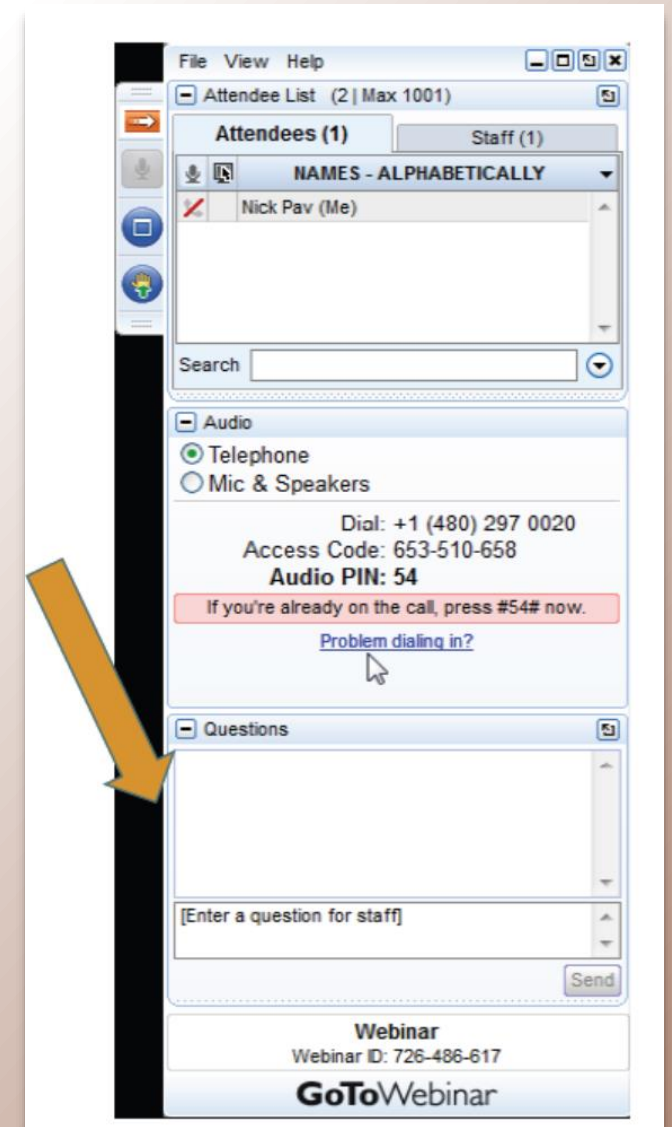
Advocating for Special Education Needs

Best Practices to Support Children in a Time of Crisis

April 2020

Logistics

- Webinars are recorded and archived at <http://kids-alliance.org/webinars/>
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Agenda

- Time of Crisis
- Rights of Disabled Students During COVID-19 Pandemic
- Best Practices for Families
- Best Practices Post-Pandemic
- Best Practices for Education Rights Holders & Caregivers
- Focus on Retention & Promotion
- Summary of Federal and State Advocacy
- Resources
- Q & A

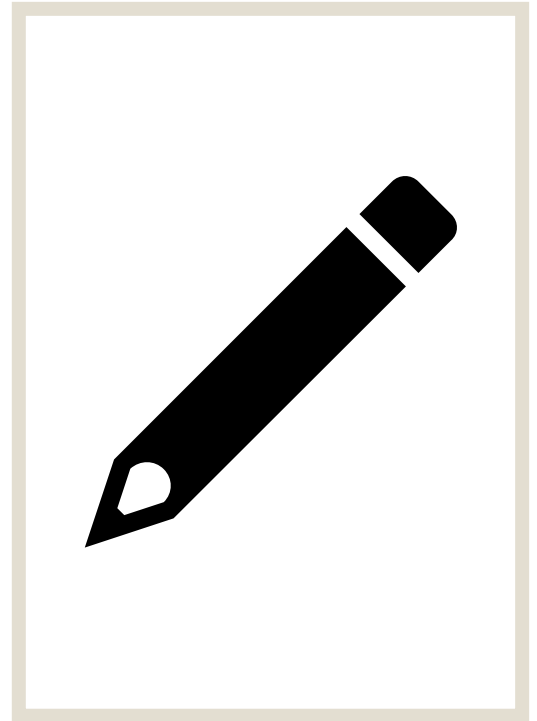
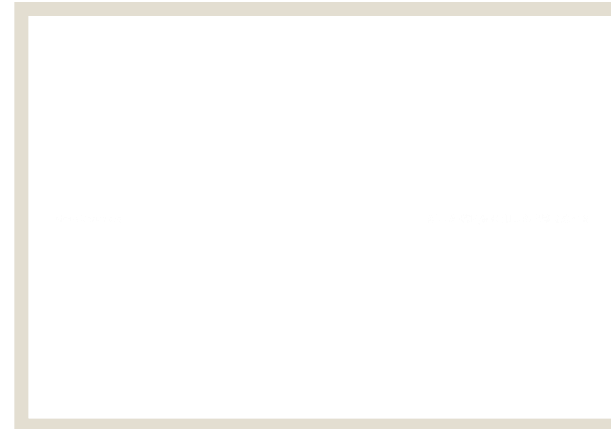
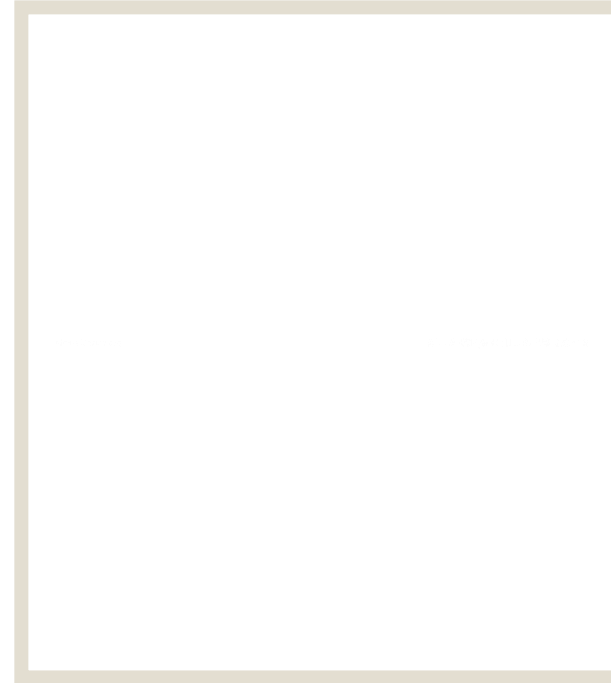
Presenters

Marisol Garcia, Managing Attorney/Director, Mental Health Advocacy Program for Kids at Health Law Advocates, Boston, MA

Mark Rodgers, Director of Student Services, Bonita Unified School District

Jill Rowland, Education Program Director, Alliance for Children's Rights

Angie Schwartz, Vice President of Policy and Advocacy, Alliance for Children's Rights



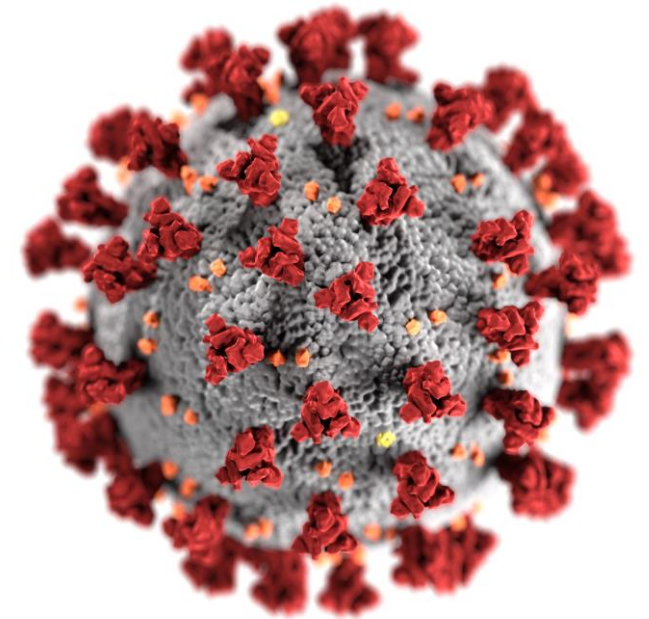
- ✓ Continue delivering high-quality educational opportunities to students through other options, distance learning and independent study;
- ✓ Safely provide school meals through the Summer Food Service Program and Seamless Summer Option, consistent with the requirements of CDE and USDA;
- ✓ To the extent practicable, arrange for supervision for students during ordinary school hours
- ✓ Continue to pay employees.

"Closing schools has a massive, cascading effect for our kids and their families – especially those least equipped financially to deal with them. The needs of California kids must be met regardless of whether their school is open or closed. School districts that choose to close must use state educational dollars to quickly meet the needs of children and families. The State of California is working around the clock to help those districts and provide best practices to ensure no kid is left behind," said Governor Newsom.

Statement on 2019-20 School Year Amid Current School Safety Concerns

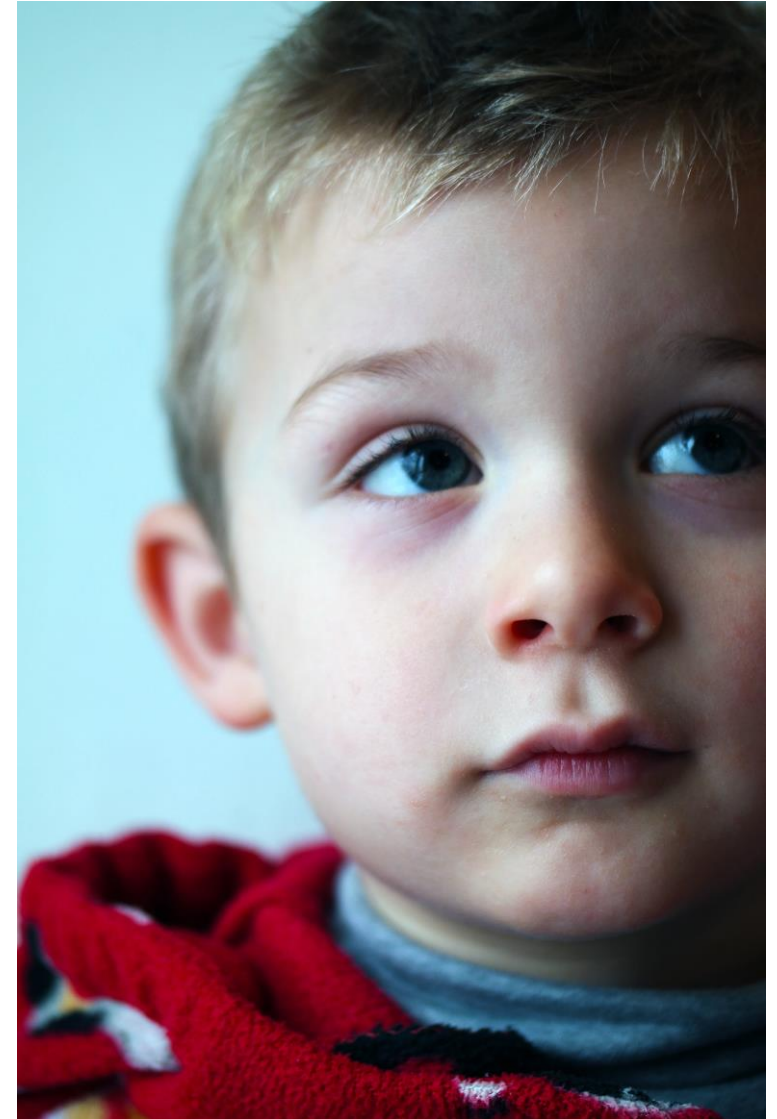
*"Due to the current safety concerns and needs for ongoing social distancing, **it currently appears that our students will not be able to return to school campuses before the end of the school year.** In order to allow schools to plan accordingly, and to ensure that learning still occurs until the end of the school year, we are suggesting that **schools plan and prepare to have their curriculum carried out through a distance learning model.** This is in no way to suggest that school is over for the year, but rather we should put all efforts into strengthening our delivery of education through distance learning."*

- State Superintendent of Public Instruction Tony Thurmond



Helping Children Cope with Emergencies

- Regardless of your child's age, he or she may feel upset or have other strong emotions after an emergency. Some children react right away, while others may show signs of difficulty much later. How a child reacts and the common signs of distress can vary according to the child's age, previous experiences, and how the child typically copes with stress.
- Children react, in part, on what they see from the adults around them. When parents and caregivers deal with a disaster calmly and confidently, they can provide the best support for their children.
- People can become more distressed if they see repeated images of a disaster in the media. Early on, consider limiting the amount of exposure you and your loved ones get to media coverage.



Helping Children Cope with Emergencies

The emotional impact of an emergency on a child depends on a child's characteristics and experiences, the social and economic circumstances of the family and community, and the availability of local resources. Not all children respond in the same ways. Some might have more severe, longer-lasting reactions.

The following specific factors may affect a child's emotional response:

- Direct involvement with the emergency
- Previous traumatic or stressful event
- Belief that the child or a loved one may die
- Loss of a family member, close friend, or pet
- Separation from caregivers
- Physical injury
- How parents and caregivers respond
- Family resources
- Relationships and communication among family members
- Repeated exposure to mass media coverage of the emergency and aftermath

Providing Services to Children with Disabilities

*During a COVID-19
Outbreak*



Individuals
with
Disabilities
Education
Improvement
Act (IDEIA)

Right to Special Education Services

- Children with disabilities **have a right to receive a free appropriate public education** (FAPE) which allows them to access their education.
- Further, a **school must offer an Individualized Education program** (IEP) that is reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances.

Implementing Part B of the IDEIA & Sec. 504 of the Rehabilitation Act During a COVID-19 Outbreak

Is an LEA required to continue to provide a FAPE to children with disabilities during a school closure caused by a COVID-19 outbreak?

- The IDEIA, Section 504, and Title II of the Americans with Disabilities Act (ADA) do not contemplate extended school closures because of exceptional circumstances, such as an outbreak of a particular disease.
- Federal guidance states that school districts are not required to provide services to students with disabilities if they are not providing educational services to the general student population.
- **Advocacy Perspective:** Advocates question whether this is accurate given that federal and state special education rights require districts to provide children with a FAPE, independent of what districts are doing for general education students.

Implementing Part B of the IDEIA & Sec. 504 of the Rehabilitation Act During a COVID-19 Outbreak

Is an LEA required to continue to provide a FAPE to children with disabilities during a school closure caused by a COVID-19 outbreak?

- Despite physical school closures, **if a district continues to provide educational opportunities to the general student population, the district must ensure that students with disabilities have equal access to the same opportunities, including the provision of FAPE.**
- School districts, and state oversight agencies, must ensure that, to the greatest extent possible, each student with a disability is provided with the special education and related services identified in the student's IEP or Section 504 Plan.
- **Advocacy Perspective:** This means that children with IEPs have a right to their IEP services during school closures.

Distance Learning IEPs/IFSPs

May an IEP team consider a distance learning plan in a child's IEP as a contingency plan in the event of a COVID-19 outbreak that requires the school's physical closure?

- If a district is able to provide all of a child's IEP services during a physical school closure, there is no need to convene an IEP team to discuss changes to the IEP. In the CDE's view, it is not necessary for a district to obtain the parent's written consent to provide previously agreed-upon services, away from school.
- If a district is unable to provide all of a child's IEP services during a physical school closure, an IEP team should create a distance learning plan for use during an extended physical school closure.

Distance Learning IEPs/IFSPs

May an IEP team consider a distance learning plan in a child's IEP as a contingency plan in the event of a COVID-19 outbreak that requires the school's physical closure?

- A distance learning IEP allows for:
 - **Meaningful parental participation** in the development of the distance learning plan, and
 - Allows the school district and the parent an opportunity to reach agreement as to what services will be provided.
- An IEP cannot legally be changed without parental consent.
- **A modified IEP/IFSP must be uniquely designed by a qualified team** including a child's general and special education teachers and/or any service providers (e.g., speech and language pathologist).
- **IEPs can use technology to meet virtually** and ensure meaningful parental participation.

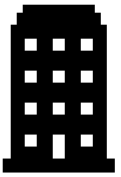
Distance Learning IEPs/IFSPs

There may be exceptional circumstances that could affect how a particular IEP service is provided.

- Distance learning options can include:
 - Online instruction
 - Virtual instruction
 - Instructional telephone calls
 - Other curriculum based instructional activities
- Disability related modifications and accommodations provided online can include:
 - Extended time for assignments
 - Modified or shortened assignments
 - Accessible reading materials

Distance Learning IEPs/IFSPs

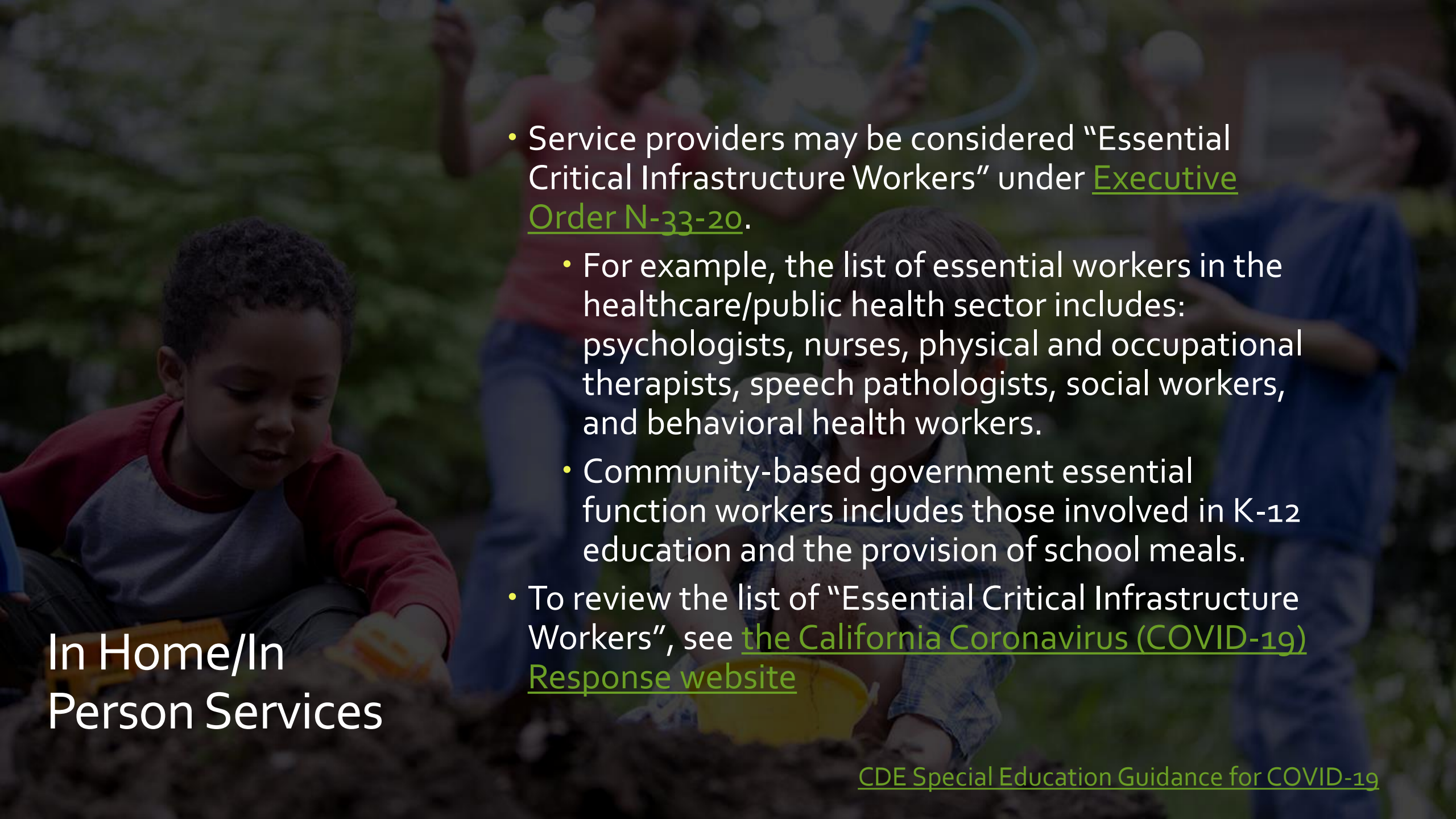
Distance Learning IEPs/IFSPs could include:



- Provision of **special education and related services at an alternate location**
- Provision of **online or virtual instruction**
- Provision of **special education services at the child's home**
- Some types of **speech and language services, occupational therapy, or physical therapy** can be provided **through telehealth or video conferencing**
- **Parent consultation** with a provider to build the tools and modified materials necessary to support the child's learning

In Home/In Person Services

- In some exceptional situations, **school districts may need to provide certain supports and services to individual students in-person** in order to maintain students' mental/physical health and safety for the purpose of supporting the student in accessing the alternative options for learning being offered (e.g. distance learning).
- **Alternative service delivery options should seek to comply with federal, state, and local health official's guidance related to physical distancing**, with the goal of keeping students, teachers and service providers safe and healthy as the primary consideration.

A background image showing several children playing in a sandbox. In the foreground, a young boy with dark skin and curly hair is focused on digging with a yellow shovel. Behind him, another child is visible, and in the background, more children are playing with toys like a blue ring. The scene is outdoors with green foliage in the background.

In Home/In Person Services

- Service providers may be considered “Essential Critical Infrastructure Workers” under [Executive Order N-33-20](#).
 - For example, the list of essential workers in the healthcare/public health sector includes: psychologists, nurses, physical and occupational therapists, speech pathologists, social workers, and behavioral health workers.
 - Community-based government essential function workers includes those involved in K-12 education and the provision of school meals.
- To review the list of “Essential Critical Infrastructure Workers”, see [the California Coronavirus \(COVID-19\) Response website](#)

Focus on Families

Best Practices to Support Children in a Time of Crisis

Suddenly Changing Everything



It was an incredible scramble for everyone in education to suddenly be faced with changing everything about how we do things.



Teams came together quickly to design and deploy distance learning plans and process for remote operations.



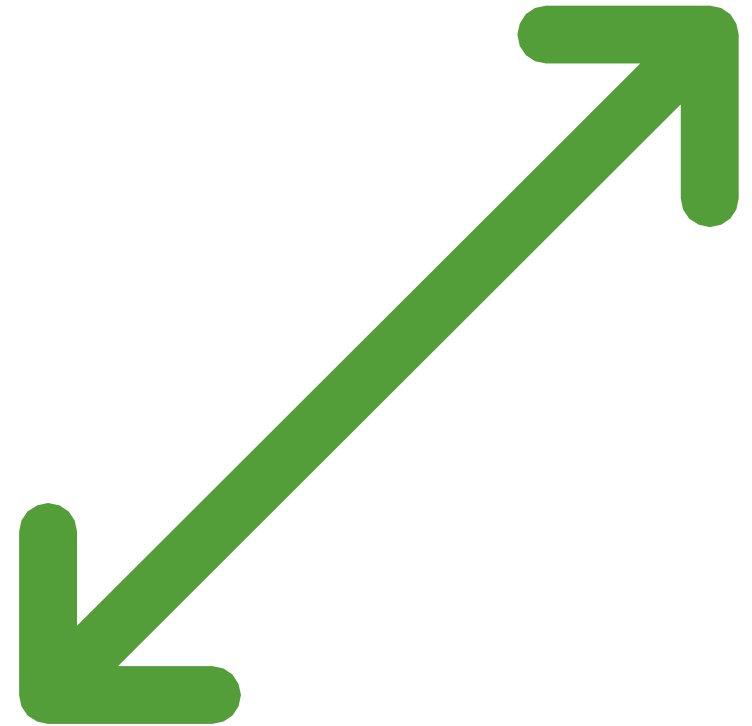
Incredibly dedicated staff are figuring out how to work from home, while being parents at the same time, to get as much as possible to students when buildings are closed.



People who work in special education are there because they care deeply about students with disabilities. Districts and families continue to have the same goal – to do our best to make high quality education available to every student.

Points of Connection

- One of the biggest challenges facing all of us is that we are suddenly far more isolated. This leads to **a loss of a sense of connection** that is usually fed by natural interaction with other people in shared spaces.
- One manifestation of this is a very high participation rate in virtual meetings involving both students and staff. This seems to be true even among students who are less involved in completing work that has been assigned.
- We need to emphasize **the need for connection**, not just content, in the systems we design for distance learning. We will also need to consider this carefully as we make plans for any form of phased re-opening or hybrid approaches in the future.

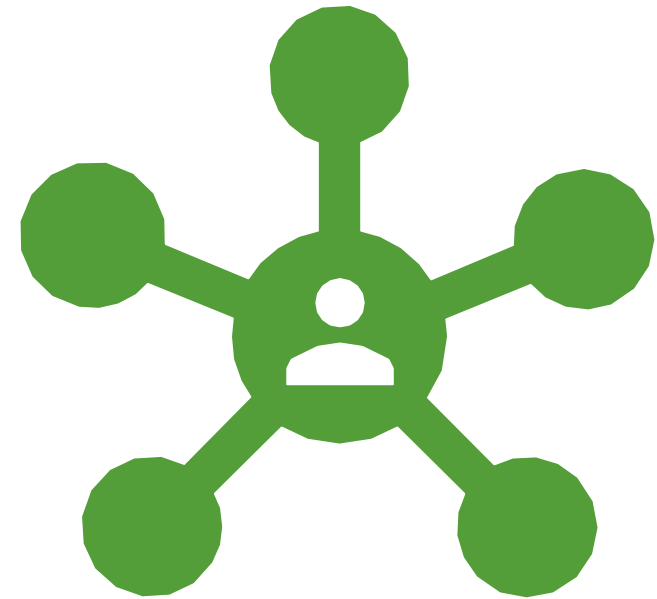


Flexibility, Creativity and Understanding

- Unprecedented times call for unprecedented solutions.
- As always, decisions should be student centered.
- **Educators are working harder than ever to create learning opportunities for students** in an entirely different environment with tools they have never used before and create incredible product.
- This situation is forcing widespread progressive thinking and innovation that is both immensely challenging and will certainly have long term benefits.
- **Our ability to work together** – educators, families, students and community partners – will define the long-term success of everything we are now working on.
- The goal is the same – **we are building a future for our children.** Whether we do that well or poorly will be determined by how each of us chooses to behave and how well we come together as a team.

Robust Mental Health Support

- The mental health implications of this pandemic are, and will continue to be, significant for both students and adults.
- Because of this, **districts should prioritize the consistency of whatever mental health support is already in place** and consider developing more robust systems for future needs.
- **Develop plans to support students and their families** both during the closures and during transitions back to other modes of operation.
- Seek, develop and strengthen partnerships with community mental health providers to better support school-age children and their families.



- With “business as usual” not available for a while, it will fall to us to define and operationalize new models that meets the needs of every student and address expectations in the law.
- **Students will benefit the most if we can become world-class collaborators.** As always, there will be limited funds available to do the work – it will be up to us whether we fight over small things or whether we instead leverage our passion and energy to create a system that is truly for everyone.
- **All of us will need to be open-minded and have some comfort with ambiguity as we work through this.**
Operationalizing expectations like FAPE and LRE can be incredibly complex and nuanced – appropriately applying these ideas in distance or hybrid environments for large numbers of students will take patient, thoughtful work.

Defining
Compliance in a
New World



Focus on Post-Pandemic

Best Practices to Support Children in a Time of Crisis

As you are know, I represent PARENT/GUARDIAN NAME in connection with his/her son/daughter, STUDENT NAME's mental health and educational needs. STUDENT NAME is a student placed at PLACEMENT pursuant to his/her IEP. As you are aware, STUDENT NAME struggles with significant needs as a result of the following diagnoses: _____, _____ and _____. My client is concerned that STUDENT NAME, even when provided the accommodations and specialized services in his/her last IEP dated XXXX-XXXX, struggles across academic, social, emotional and behavioral areas. My client requests clarification regarding the District's individualized remote learning plan that will engage STUDENT NAME in meaningful and productive learning opportunities, as well as the strategies the District will utilize to provide STUDENT with a Free Appropriate Public Education (FAPE) during the current extended school closure.

[If the District is due to provide an evaluation during the closure, be sure to ask how the District intends to complete the evaluation process and when the Team will meet to review the findings.]

Please confirm in writing to my office: 1) the District's plan to implement remote learning that is designed to individually engage STUDENT in meaningful and productive learning; 2) how the District plans to proceed with the evaluation review timeline; and 3) the District's intention to convene STUDENT's IEP Team during and/or subsequent to the extended school closures.

Documenting Regression

- FROM DESE: Once school resumes, **the district must review *how the closure impacted the delivery of special education* and related services to individual students and convene IEP Team meetings as necessary in order to make an individualized determination as to what compensatory services may be necessary**, and to ensure the student receives FAPE prospectively.
- Documenting any lost skills or missed direct services may help the parent advocate for compensatory services for the student once school re-opens. Areas to consider include (but are not limited to):
 - Academic abilities – reading level, math calculation/problem solving, writing skills, etc.
 - Use of coping skills – what positive or negative coping skills do you see?
 - Activities of daily living
 - Executive functioning and time management skills
 - Areas of weakness: consult past testing and child's providers for assistance in determining and tracking. Possible areas are processing speed, receptive/expressive language, nonverbal skills, memory



MHAP has created an Extended School Closure Log to help parents track academics and social/emotional issues.



Review student's IEP Service Delivery Grid and make note of what direct services student was receiving in school—30 min a week of counseling? An hour of speech and language services? Those services are especially important to track.



PRACTICE TIP: If a parent is too overwhelmed to complete the log and you are a service provider, consider helping them by asking them the questions and filling out the log with them over the phone.

Keeping Track of Remote Learning & Communication

EXTENDED SCHOOL CLOSURE LOG

Week of: ____/____/2020

Child's name: _____

1. What subjects were assigned this week?

- ☐ Reading
- ☐ Writing
- ☐ Math
- ☐ Speech/Language
- ☐ Counseling
- ☐ Other _____

2. How was the work provided this week?

- ☐ Printed Worksheets
- ☐ Online Videos/Pre-Recorded Materials
- ☐ Live Video
- ☐ Telephone Call
- ☐ Other _____

3. Did your child complete their assigned work this week?

- ☐ Yes, completed the work
- ☐ No, because of technical difficulties: _____
- ☐ No, because my child wasn't willing to do the work: _____
- ☐ No, because my child didn't understand the work: _____
- ☐ No, because of another reason: _____

4. How much time did your child spend on their assigned work this week?

- ☐ 3-4 hours
- ☐ 2-3 hours
- ☐ 1-2 hours
- ☐ Less than 1 hour

5. Were any IEP accommodations or services provided this week?

- ☐ Yes. Please list: _____
- ☐ No

6. Were you and/or your child contacted by a teacher, school administrator, or other school staff?

- ☐ Yes. Who? _____
- ☐ No

7. Do you have concerns that your child may not receive credit or be held back in their grade?

- ☐ Yes. Please check all that apply
 - ☐ I am worried this might happen
 - ☐ Child has expressed they are worried this might happen
 - ☐ Teacher or school staff have expressed their concern this might happen
 - ☐ Teacher or school staff have informed me my child will not receive credit in one or more classes
 - ☐ Teacher or school staff have informed me my child will be held back in their grade

☐ No.

**8. Please select any Social/Emotional/Behavioral Challenges observed this week
(check all that apply)**

- ☐ Anxiety
- ☐ Physical complaints—stomachache, headache
- ☐ Refused to get out of bed/sleep issues
- ☐ Work refusal
- ☐ Verbal aggression
- ☐ Physical aggression
- ☐ Property destruction
- ☐ Left home without permission
- ☐ Other _____
- ☐ None observed

9. If you checked off any of the options in question 8, please explain what happened below. Provide as much detail as possible:

10. Do have any new concerns or thoughts from last week?

11. How did behavior and/or school assignments differ from last week?



Home Schooling Log

| Week Of: | Reading/ Writing | Math | Other | Behaviors Seen/Notes |
|-----------|------------------|------|-------|----------------------|
| Monday | | | | |
| Tuesday | | | | |
| Wednesday | | | | |
| Friday | | | | |



health law advocates
Lawyers Fighting for Health Care Justice



MHAP for Kids COVID-19 Client Check-In List

1. In General:

- a. Ask the parents how they and their families are doing overall. Consider asking about/noting any mention of:
 - i. Physical and mental health concerns
 1. High risk groups such as grandparents 65+, caretakers or children with chronic health conditions
 - ii. Police being called for domestic issues and the possibility of charges being filed/arrests
 - iii. Job loss/unemployment
 - iv. Loss of benefits such as SNAP
 - v. Food insecurity
 - vi. Transportation challenges
 - vii. Problems with health insurance
 - viii. New DCF involvement or problems with current DCF services
- b. **Make a note of any significant developments in FileMaker as a 'Key Event'.** We would like to track data about the impact of the pandemic on our families.

2. School

- a. Review the child's school district's website before calling and determine what, if anything, the district is currently providing for students. Have this website open (as well as collaborative/out of district day school website if applicable) when you call.
- b. Ask if the parent has received any information about remote learning from the school at this time.
 - i. If so, how was this information communicated to you?

- ii. Ask about whether the school district has provided the parent with the info from the website (if there is any)
 1. How did they provide it? Email, phone call?
- iii. Has the child been getting the services as outlined on the school district's website (if any)?
 1. If so, how has it been going? Any challenges or technical difficulties?
 2. If not, why not?
 3. How much of what they're offering are resources to other material and how much is teacher-led instruction? (Has that changed over time)

a. IEP services

- iv. Is your child receiving any of his IEP services, e.g., individual counseling, S/L sessions, or OT/PT through video chat or otherwise? Frequency? Duration?
- v. Has school/teacher communicated any suggested modifications/accommodations to the general remote learning opportunities provided to all students?

- b. Have any specialists (BCBAs, school counselors, S/L/OT/PT providers) called to offer parent suggestions for the child's individual needs

3. Home

- a. What is your child doing during the day, when they are not participating in school activities/community-based services? Where are they?
- b. How is the child's behavior compared to before the school shutdown?
- c. How is the child doing with ADLs?
- d. Is the child no longer able to do things he could do before?
 - i. If so, what are some examples?

4. Community-Based Services

- a. CBHI

- i. Have your CBHI providers discussed telehealth options with you?
Have they tried telehealth meetings with you or your child yet? If so, how did they go?
- ii. Has your ICC done a Care Planning Team meeting yet? How did that go? When is the next one? Attorneys should try to participate in these

b. ABA In-Home Services

- i. Have your providers offered ABA via telehealth?
- ii. If so, have you done a session yet? If not, do you know when you will start?
 - 1. If you've started, how has it gone?

5. Psychiatric Services

a. Medication

- i. Accessing psychiatry appointments?
 - 1. If so, how?
 - 2. If not, what has the office told you?
- ii. Accessing prescriptions?

b. Psychiatric Crisis

- i. If parent is worried for their safety and/or the safety of their child, encourage them to call mobile crisis.
 - 1. If they did call MCI/ESP, what was the response?
- ii. If the child is hospitalized or in CBAT:
 - 1. How is the hospital conducting treatment planning meetings?
 - 2. How is the hospital managing alternative means of parent/child visits and therapy?

6. DCF

- a. Pending group home/residential placement updates?
- b. Any communication from social worker?

Focus on Education Rights Holders and Caregivers

*Best Practices
to Support
Children in a
Time of Crisis*

Request, in writing, that the child's school/regional center convene an IEP/IFSP meeting, virtually or telephonically, to discuss the distance learning needs of your child.

Download the Alliance IEP request letter (English/Spanish):
<https://kids-alliance.org/covid-19/>

Request a Distance Learning IEP/IFSP

Alliance IEP request letter (Available in English/Spanish)

On behalf of _____, I am requesting that the district convene an Individualized Education Program ("IEP") meeting to discuss an interim learning plan during the time schools remain closed as a result of the COVID-19 pandemic. I am the child's education rights holder and (circle all relevant) biological parent / adoptive parent / foster parent / relative / legal guardian / CASA.

Guidance from the U.S Department of Education issued in March 2020, states that Districts have a duty to continue to provide special education students with a Free Appropriate Public Education ("FAPE"). This includes providing a plan for the "provision of online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, and [it] may identify which special education and related services, if any, could be provided at the child's home." DOE Guidance March 2020. While Districts are not required to hold IEP meeting in person, it can use alternative means to hold the meeting, such as video conference. 34 CFR §300.328. Furthermore, Districts must continue to meet their duty to respond to parent requested IEP meetings within 30 days of the request, as this timeline has not been waived under state or federal law.

Please contact me at: _____ to schedule this meeting.

Request that the child receive a laptop, tablet, or other electronic device, plus sufficient internet connectivity, so that they can access remote learning opportunities.

If appropriate, request any additional assistive technology that the child may require to access their distance learning services:

Text to speech software for a child with a visual impairment or severe reading/comprehension delays

Sensory toy box for a child with sensory processing delays

Durable case/cover for an electronic handheld device if the child's disability makes them prone to drop or damage the device.

How can I successfully advocate for a child with a disability?

Tips for parents to advocate to support their children's IEP/IFSP during the COVID-19 pandemic

Consider:

- **your child's attention span and ability to focus;**
- **your work schedule, need to care for other children** or family members, or other family needs that you must meet;
- your **ability to provide a quiet environment** for your child to access distance learning resources and **your availability and ability to support your child** as they access services, and
- what **coaching and materials** you might need to support your child, **including language translation support.**

Advocacy Perspective

Work with the child's IEP/IFSP team to:

- **Identify what services the child has a right to** in their IEP/IFSP that can still be provided.
 - For example, many services, including speech and language, occupational therapy, or school-based counseling/mental health services, can be provided through telehealth/virtually.

For these types of services, consider:

- **Asking for the full amount of the service during the COVID-19 pandemic** as the child received prior to school/regional center physical closures, and
- **Whether the frequency and duration of services should be modified** (e.g., 60 minute session per week may need to become 2 separate 30 minute sessions to accommodate for virtual teacher models and child attention/focus needs).

Advocacy Perspective

Work with the child's IEP/IFSP team to determine:

- Whether the **type of setting** (e.g., large group, small group, individual) the service is provided in needs to be modified;
- Whether the parent and/or primary teacher during the outbreak requires **consultation time with the child's professional provider** to understand how to meet their needs between sessions and/or to report on how well the child is accessing the virtual instruction; ask that this parent consultation be listed in the IEP/IFSP document, and
- If the district is unable to provide the IEP/IFSP required service due to staff shortages, **request that these services be provided by a non-public agency.**




For speech and
language
therapy services:

- The American Speech-Language-Hearing Association guides that the use of telehealth practice must be equivalent to the quality of services provided in person.
- It must **take into account a child's specific needs** (e.g., the child's ability to maintain attention, sitting tolerance, level of cognitive functioning, and hearing and visual abilities).



For speech and
language
therapy services:

- The **child's environment in which the telehealth practice will take place** is also important including a quiet room with good lighting and minimal distractions. The technology used for telehealth practice should allow for optimal quality of video and audio transmission.
- If speech and language services are going to be provided to your child by IEP/IFSP team agreement, ask that this be documented in the IEP/IFSP in writing.
- **Ask for parent consultation** to provide feedback to discuss concerns about your child's progress or how the telehealth practice is occurring.

A woman in a white shirt is kneeling and assisting a young child with a potty in a bathroom. The child is sitting on the potty, and the woman is holding the potty's handle. The background shows a bathroom with a toilet and a sink.

The American Occupational Therapy Association guides that OT services during COVID-19 could include online and virtual instruction, instructional calls and activities, services provided in an alternative location, or possibly services provided in a student's home.

- Utilizing video communication systems, instructors can use the same activities that they would in person although a supporting adult with the child would help facilitate those activities.

For occupational therapy services:

For occupational therapy services:

- An OT Toolkit/Sensory Bin can also be essential to making distance OT successful (e.g., pencil grip, finger spacer, handwriting book with appropriately spaced lines for a child's age and ability level, chalkboard/chalk/sponges; various sensory processing tools such as Silly Putty, therapy bands, Playdoh, weighted blankets or vests). Consider requesting any of the tools/sensory devices currently in your child's IEP/IFSP be provided for their use at home, or work with your IEP/IFSP team to identify new tools required to successfully deliver/access distance OT services.
- Countless additional at home OT activities can be found through Google searches.




For children with behavioral needs, consider whether:

- The child's needs are severe in the home setting or there is a high potential for serious regression, requiring that 1:1 in person services continue, while still complying with social distancing and other health precautions.
- If the district is unable to continue to staff a 1:1 behavioral aide, request that this service be provided by a nonpublic agency.

For children with behavioral needs, consider whether:

- Provider/parent consultation plus tools would meet the child's behavioral needs in the home. For example, weekly parental consultation could be utilized to share behavioral techniques that the school has found to be successful with the child, revise behavior reward systems, discuss documenting behavior needs, etc.
- Ongoing parent/provider consultation will be necessary to eventually transition the child back into school successfully.

For youth in group homes, how school and home staff can coordinate services to meet the child's needs including privacy and consultation between providers.

A close-up, high-contrast photograph of a young child's face, focusing on the eyes and nose. The child has dark, expressive eyes and a slightly open mouth, looking directly at the camera. The lighting is dramatic, with deep shadows and bright highlights, emphasizing the texture of the skin and the intensity of the gaze. The image is partially obscured by a dark red overlay on the left side, which contains white text.

Specialized academic instruction (SAI) may be the 'hardest' service to provide in a meaningful way from a distance.

Severity of student need, smaller classrooms, small group learning, individualized instruction, and general education modifications and accommodations all play a role in determining what types of distance learning will be effective for a child with a disability.

If your child receives Specialized Academic Instruction in an Resource Specialist Program model, consider whether:

your child could access all of the SAI services currently provided for in their IEP;

small group or 1:1 SAI would meet your child's needs, taking into account your child's need for academic instruction as well as social interaction with other students through distance learning platforms;

asking the provider to join virtual general education learning sessions that your child is attending, and then doing a "breakout session 1:1 or in a small group, and

the provider could consult with the general education teacher on how best to address your child's needs under these crisis conditions.

If your child
receives
Specialized
Academic
Instruction in a
Special Day
Class:

- Consider what amount of SAI services **they could realistically benefit from in a day**, taking into account their need for breaks, ability to effectively interact with technology, need for social interaction with other students, and your ability to support your child as they learn.
- Consider **requesting at least 1 hour per day** of SAI.
- Consider what types of **daily living skills instruction** the child requires to meet their IEP goals.

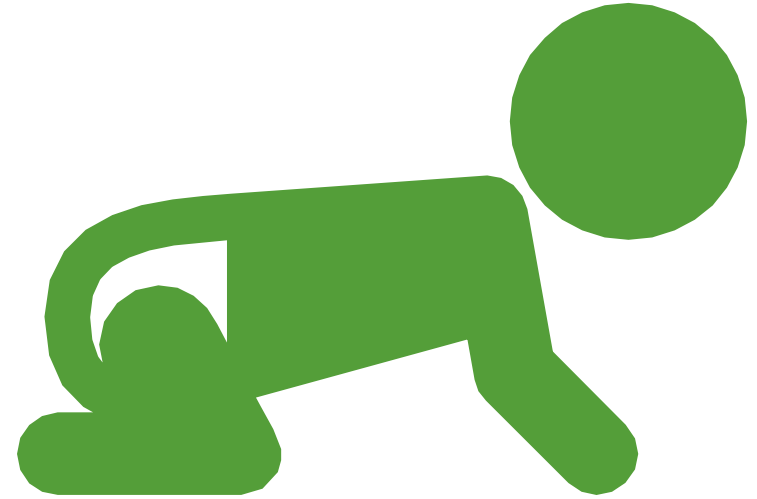
Specialized Academic Instruction: Academic Remediation

- Consider what **types of academic instruction can be provided through software programs**, especially if this program was utilized to serve the child while they were in school.
- As schools are struggling to provide state adopted curriculum or common core, this can be a great time to build up basic reading, writing, and math skills that the child may be behind in. These basic skills lend themselves to many online programs.

Children with Early Intervention Needs

Developmental Services for Children 0-3

- Infant Stimulation: Depending on the child's needs, abilities, and age, infant stimulation services could be provided virtually or parent consultation could be a successful substitute.



Children with Early Intervention Needs

Developmental Services for Children 0-3

- Center Based Services: Consider the age of the child, what amount of time they could reasonably attend to virtual instruction, and the parent's ability to support them.
- Center Based Service programs typically address global developmental delays and/or focus heavily on social engagement with peers. Consider the reasons why the child receives center based services (e.g., to work on social skills, small group telehealth/virtual learning with a qualified provider could be provided with a small group of children from different locations; if the child is working on sharing, a qualified teacher could facilitate activities between the eligible child and other children in the home).
- Consider what types of developmental instruction can be provided through software programs.

Age Three Transition from IDEIA Part C to Part B

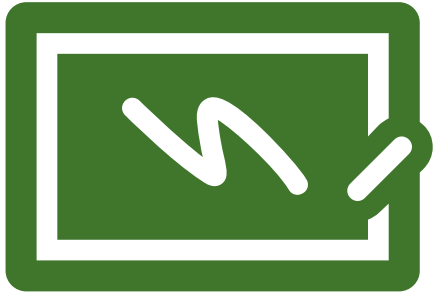
- A child with a disability has a right to have been assessed in all areas of suspected disability and have an IEP in place by their third birthday.
- Districts must comply as there are currently no waivers of this requirement although see Federal Update for more information, this may be changing.

Special Education Services for a Child with COVID-19

Does a district need to provide special education services to a child with a disability who is absent for an extended period of time because the child is infected with COVID-19?

Yes. When a child with a disability is classified as needing homebound instruction because of a medical problem, as ordered by a physician, and is home for an extended period of time, an IEP meeting is necessary to change the child's placement and the contents of the child's IEP, if warranted.

IEP Consent



- If a parent agrees with the proposed distance learning plan after a virtual meeting, **districts must still obtain their written consent to the IEP.**
- Options for electronic signatures include HelloSign, DocuSign, Adobe Sign, as well as scanned copies or photographs of signed signature pages.

IEP Consent: Advocacy Perspective

- When signing a distance learning IEP/IFSP, parents should consider including language to make clear that they are willing to accept the offered services due to the pandemic but that they are not waiving their right to any compensatory services owed to the child.
 - *"I consent to these interim IEP/IFSP services for implementation purposes only due to the COVID-19 Pandemic causing school/regional center closures. My child's last agreed upon IEP/IFSP is dated xx/xx/xx. I do not agree to any changes to this IEP/IFSP. I reserve my right to seek compensatory services based on the placement, services, and supports listed in the xx/xx/xx IEP/IFSP."*
 - This language ensures that the parent is not giving up their 'stay put' right under federal law, to the services that were in the child's IEP prior to school closures.



Compensatory Services

Do districts have to provide compensatory special education and related services to a child with a disability who is not provided all their IEP services during physical school closures?

- Federal guidance references that children with disabilities may be eligible for compensatory services as determined on an individual basis by their IFSP and IEP teams due to any delays in service provision or decision making about how to provide services during COVID-19.
- Compensatory services should be discussed at an IEP/IFSP meeting after regional centers and schools reopen.
- To be prepared to ensure a child receives the compensatory services they are owed, keep a log of what services are provided to the child including the date, time, length of services, and who provides the service.

Maintain Compensatory Logs

| Date | Indicate Service Type (For example: Occupational Therapy, Physical Therapy, Counselling, etc.) | Indicate Method of Service (For Example: Teletherapy with service provider alone; Teletherapy with other children; Consultation with parent about how they should provide the services; Packet sent home explaining exercises to be done at home) | Duration of Service Please write in amount of time below | Work Access/Session Attendance (For example: Child attended and was engaged for the entire session; Child attended the session but was only engaged for x amount of time; Child did not attend the session because of X reason) |
|------|---|---|--|--|
|------|---|---|--|--|

Compensatory service log tools available in English/Spanish for download:
<https://kids-alliance.org/covid-19/> - scroll to Education, Learning at Home &
Technology

Implementing Part B of the IDEA & Sec. 504 During a COVID-19 Outbreak

What activities other than special education services may be provided with IDEA funds during a COVID-19 outbreak?

- Funds may be used **for activities that directly relate to providing, and ensuring the continuity of, special education and related services** to children with disabilities.
- Funds may be used to disseminate health and COVID-19 information that is specifically related to children with disabilities, to develop emergency plans for children with disabilities, or to provide other information (e.g., guidance on coordination of the provision of services in alternate locations) to parties who may need such information, including school staff responsible for implementing IEPs, parents of eligible children, and staff in alternate locations where special education and related services may be provided.
- Funds may not be used to develop or distribute general COVID-19 guidance or to carry out activities that are not specific to children with disabilities (e.g., general COVID-19 activities for all children and staff).

Focus on Students

Best Practices to Support Children in a Time of Crisis



New Guidance on Grades and Graduation for Seniors

Can LEAs require graded work from distance learning students?

- Yes. The decision of whether or not to require graded work from students is a local one. There are a variety of considerations for LEAs to weigh as they review their grading policies during the transition to distance learning. LEAs should weigh their policies with the lens of equity and with the primary goal of first, doing no harm to students. Further, the distance learning grading plan that LEAs adopt in the short term may differ from a plan that is created for the long term.

New Guidance on Grades and Graduation for Seniors

Can LEAs implement alternative grading systems? What key considerations should an LEA weigh when determining grading policies for distance learning?

- There is nothing in the California Ed Code which governs whether a class can be offered as credit/no credit, pass/fail or a modified A–D. Given the circumstances of COVID-19, some districts are considering a variety of options.
- If districts consider modifying their existing grading systems, they should consider the following:
 - How grading policies take the needs of all students into account, including those of English Learners, homeless and foster youth, and those with differing access to digital learning and other tools or materials
- For students with disabilities, any changes to learning strategies or grading policies should, as appropriate, be done in conjunction with the student's IEP to ensure that the changes respond to their learning needs.
- Grading policies will likely differ for alternative schools, such as continuation schools and schools serving incarcerated youth, who may also need differentiated learning and grade strategies.

New Guidance on Grades and Graduation for Seniors

If an LEA switches to a “credit” or “pass” instead of a letter grade, how will that impact a student’s admission to UC or CSU?

- Leaders of CDE, the State Board of Education, and UC, CSU, and Community College systems and the Association of Independent Colleges and Universities have been meeting to discuss the impact of school closures on this year’s high school students to make sure that students are held harmless from any impacts of school closures.
- The university systems are willing to accept credit/no credit grades in lieu of letter grades for all courses, including A–G courses, completed in winter/spring/summer 2020 for all students.
- Grades of credit/no credit will not affect the UC or CSU calculations of GPA. In addition, the universities have identified a range of other flexibilities they will offer to support students’ access to college during this time.

New Guidance on Grades and Graduation for Seniors

What if a student gets sick and misses assignments?

- LEAs and teachers establish policies for how students can make up late or missing work due to illness. Schools and teachers should reevaluate existing policy and make necessary changes based on the unique demands of distance learning, taking into account the need to be flexible given the public health crisis.



Supporting Children in Time of Crisis

Federal & State Policy Recommendations

Federal Action Impacting Children with Disabilities

- Disability rights advocates influenced the Federal Stimulus Package in March **preventing** a waiver of all special education rights for children with disabilities.
- Instead, the CARES Act included a requirement that US Secretary of Education DeVos report back by late April on whether she needs congressional approval to provide school districts with waivers to IDEA during the pandemic.

Stand Up For
All Students
With
Disabilities
During the
COVID-19
Crisis

Federal Recommendations

Oppose waivers under IDEA and Section 504 of the Rehabilitation Act.

Support states by providing a total of \$12.5 billion in IDEA funding for:
tools necessary for distance learning including hardware,
software, and connectivity;
extended school year and other compensatory services; and
ensuring providers are paid for telehealth related services such as
speech and language, occupational, and physical therapy.

Focus on ensuring continuity of education and special education services by
urging the Department of Education and Office for Civil Rights to provide
additional guidance.



- Recommended that when children transition from Part C (0-3) to Part B (3-22), that assessment timelines stop and children continue to receive Part C services until face to face assessments can be resumed and children can be determined eligible for Part B services.
- ***Advocacy Perspective:*** *This won't necessarily work for children eligible for, but not currently receiving, their Part C services, which is happening in multiple places in California.*

Secretary of Education's Report to Congress

- Contact your Congressional representatives to ask that they **reject attempts to waive any special education rights for children with disabilities including for children transitioning between Parts C and B of the IDEA at age three.**
- Visit the Council of Parent Attorneys and Advocates (COPAA) website for more information on how to contact your representative and senator:
<https://www.copaa.org/page/covid-19>

What Can You Do?

Passage of SB 117 limited the special education rights of children with disabilities in California by stopping three essential timelines:

- The right to receive records within 5 business days of a request;
- The right to receive a written response to an assessment requesting within 15 calendar days, and
- The right to receive the results of a state level complaint within 60 days.

Advocacy Perspective: Some districts have (incorrectly) interpreted this broadly to mean that there are no timelines for special education during this time (e.g., annual IEP timeline 60 day assessment timeline). It is important to keep these specific restrictions in mind and note that districts must follow some timelines.

State Action Impacting Children with Disabilities



State Recommendations

- Require Districts and Regional Centers to Develop Distance Learning IEPs and IFSPs to Ensure Equal Access to Educational Opportunities Uniquely Designed to Meet Each Child's Disability Related Needs During the Period of School Closures and Freeze Last Agreed Upon IEP/IFSP to Resume Once Schools and Regional Centers Reopen



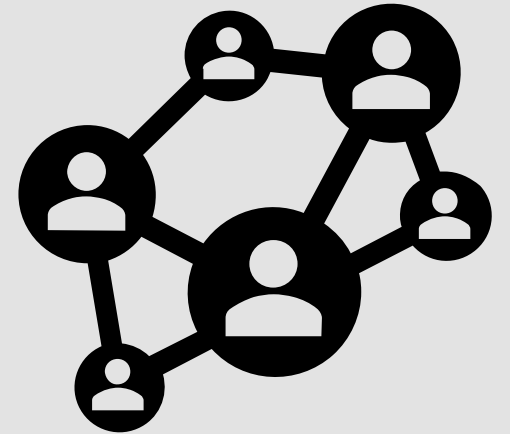
State Recommendations

- Provide Equal Technology and Connectivity Access to All Children with Disabilities Immediately, Including Parent Support in Native Language
- Shorten Special Education Assessment Timelines for Assistive Technology
- Provide a Clear Right to Compensatory Education Services
- Toll the Statute of Limitations on All Dispute Resolution
- Extend Age of Special Education and Early Intervention Exits

Resources in Time of Crisis

kids-alliance.org

ALLIANCE *for* CHILDREN'S RIGHTS



Advocating for Special Education Services during COVID-19 (Toolkit), American Bar Association Section of Litigation Children's Rights Litigation Committee:

<https://www.americanbar.org/groups/litigation/committees/childrens-rights/practice/2020/advocating-for-special-education-services-during-covid19/>

Alliance for Children's Rights COVID-19 Resources – *scroll to "Education, Learning at Home & Technology" for resources including sample request letter and services log in English and Spanish*

<https://kids-alliance.org/covid-19/>

Special
Education
Advocacy

Higher Education Resources *Student Admission*

University of California (UC)

[The University of California's Response to COVID-19: Admissions and Financial Aid \(PDF\)](#)

California State University (CSU)

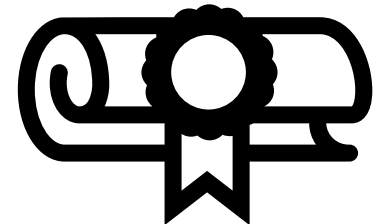
[COVID-19 Interim Impacts on CSU Undergraduate Admissions Policies and Practices \(Updated 09-Apr-2020; PDF\)](#)

Community Colleges

[California Community Colleges Guidance Letter \(PDF\)](#)

Association of Independent California Colleges and Universities (AICCU)

[AICCU Institution Activities to Serve High School Juniors and Seniors \(PDF\)](#)



Technology Resources



- iFoster is offering technology access to foster youth ages 13-24:
 - free, unlimited high-speed data hotspots,
 - headsets, and laptops
 - call 1-855-936-7837 or email phone@ifoster.org
- Current and former foster youth in need of a laptop for remote learning, email [One Simple Wish](mailto:OneSimpleWish@onesimplewish.org) at info@onesimplewish.org



- Many providers are offering free broadband or Wi-Fi Access
- See <https://kids-alliance.org/covid-19/> for more information



- [Facetime](#)
- [Whatsapp](#)
- [Snapchat](#)
- [Zoom](#)
- [Google Hangouts](#)
- [Google Duo](#)
- [Skype](#)
- [Facebook Messenger](#)
- [Free Conference Call](#)
- [Google Voice](#)

Food Support Resources

To ensure that children who rely on free or reduced-price meals at school are able to get the nutrition they need, the USDA has waived rules that require that children gather and eat their meals on school sites. Temporary changes allow meals to be taken home, and parents or guardians may pick up meals for their children without the child needing to be present.

<https://www.fns.usda.gov/meals4kids>

Hunger Free America is providing referrals to emergency food options at 1-866-3-HUNGRY (1-866-348-6479) or 1-877-8-HAMBRE (1-877-842-6273) (for Spanish).

<https://www.hungerfreeamerica.org/about/our-work/usda-national-hunger-hotline>



Accessing Food Assistance



Find a nearby food bank through
<http://www.cafoodbanks.org/>



Los Angeles Homeless Services Authority (LAHSA) list of Food and Grocery Programs by Service Planning Area



CA “Meals for Kids” mobile app has been updated to help families find meals during COVID-19-related school closures



Coming Soon: Pandemic EBT

- Children who are normally eligible for free or reduced priced school meals, but may not be able to access school meals due to COVID-19 school closures, will be eligible to receive 'P-EBT' benefits.
- P-EBT benefits will temporarily provide additional food benefits to families. They can be used like CalFresh food benefits, but are separate from CalFresh.
- You can pick up "grab and go" school meals or get CalFresh AND get P-EBT benefits.
- More information is coming soon. Children who are currently receiving CalFresh, Medi-Cal or Foster Care benefits will automatically get a P-EBT card in the mail.

Child Welfare Resources

- CDSS COVID-19 Resources: <https://www.cdss.ca.gov/#covid19>
- Child Welfare COVID: childwelfarecovid.org
- John Burton Advocates for Youth:
<https://www.jbaforyouth.org/covid-19-resources/>
- When you can't be there in person: <https://haralambie.com/wp-content/uploads/2016/10/When-You-Cant-Be-Therein-Person.pdf>
- Youth Law Center Making Emergency Plans With Youth in Foster Care: <https://ylc.org/wp-content/uploads/2020/03/YLC-Toolkit-for-Emergency-Planning-with-Youth-in-Congregate-Care.pdf>
- Los Angeles Opportunity Youth Collaborative (LAOYC) Fact Sheet for Foster Youth: https://kids-alliance.org/wp-content/uploads/2020/03/OYC_COVID19-info.pdf
- Center for Parent & Teen Communication:
<https://parentandteen.com/>
- Counties Participating in Courtesy Supervision:
<https://www.cwda.org/county-tools/counties-participating-courtesy-supervision>

Benefits and Financial Support Resources

California Employment Development Department COVID-19:
https://www.edd.ca.gov/about_edd/coronavirus-2019.htm

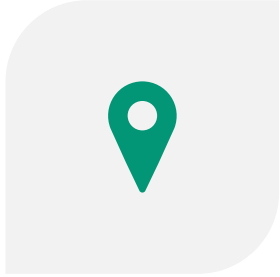
Pandemic Unemployment Assistance:
https://edd.ca.gov/about_edd/coronavirus-2019/pandemic-unemployment-assistance.htm

Benefits.Gov COVID-19 Support:
<https://www.benefits.gov/help/faq/Coronavirus-resources>

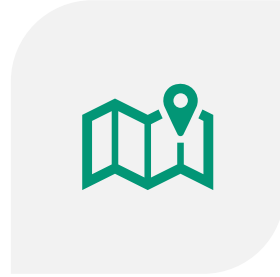
IRS Coronavirus Tax Relief: <https://www.irs.gov/coronavirus-tax-relief-and-economic-impact-payments>

Mental Health Resources

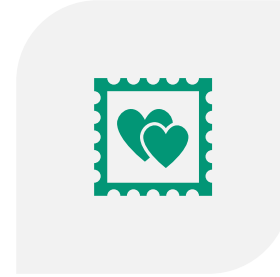
- Helping Children Cope in Emergencies: <https://www.cdc.gov/childrenindisasters/helping-children-cope.html>
- Resources for Supporting Children's Emotional Needs During the COVID-19 Epidemic: <https://www.childtrends.org/publications/resources-for-supportingchildrens-emotional-well-being-during-the-covid-19-pandemic>
- National Institute of Mental Health Coping With Traumatic Events: <https://www.nimh.nih.gov/health/topics/coping-with-traumatic-events/index.shtml>
- National Institute of Mental Health Tips for Talking With Your Health Care Provider: <https://www.nimh.nih.gov/health/publications/tips-for-talking-with-your-health-care-provider/index.shtml>
- Build a Teen Stress Management Plan: <https://parentandteen.com/teen-stress-management-plan/>
- National Alliance on Mental Illness: <https://www.nami.org/covid-19-guide>
- Peer-Run Warm Line: (1-855-845-7415) or <https://www.mentalhealthsf.org/peer-run-warmline/>
- NAMI Mental Health Helpline: <https://nami.org/help#crisis> and Crisis Text Line is open 24/7; text NAMI to 741741
- California Youth Crisis Line: 1-800-843-5200 (call or text)



AA MEETINGS IN CALIFORNIA:
[HTTPS://ALCOHOLICSANONYMOUS.COM/AA-MEETINGS/CALIFORNIA/](https://alcoholicsanonymous.com/aa-meetings/california/)



NA MEETINGS IN CALIFORNIA:
[HTTPS://WWW.NARCOTICS.COM/NA-MEETINGS/CALIFORNIA/](https://www.narcotics.com/na-meetings/california/)



RESOURCES FOR EMOTIONAL
SUPPORT AND WELL BEING:
[HTTPS://COVID19.CA.GOV/RESOURCES-FOR-EMOTIONAL-SUPPORT-AND-WELL-BEING/](https://covid19.ca.gov/resources-for-emotional-support-and-well-being/)

**Substance Abuse and Mental Health Services Administration
(SAMHSA)** Disaster Hotline: 1-800-985-5990 or text TalkWithUs to
66746

Substance Abuse Resources

General Resources

- California Coronavirus Response: <https://covid19.ca.gov/>
- California Department of Public Health: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Guidance.aspx?fbclid=IwAR2JzIMU2EntjU12yXw8YwXxbrfAmORTw43xaDVuXVZj7sfo3t53jb1bgCk>
- California Department of Education: <https://www.cde.ca.gov/ls/he/hn/coronavirusadtlinfo.asp>
- Covered California: <https://www.coveredca.com/>
- Centers for Disease Control COVID-19: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- Alliance for Children's Rights COVID-19 Resources: <https://kids-alliance.org/covid-19/>
- Western Center on Law and Poverty COVID 19 Information: <https://wclp.org/covid-19-coronavirus-information-response-and-considerations/>

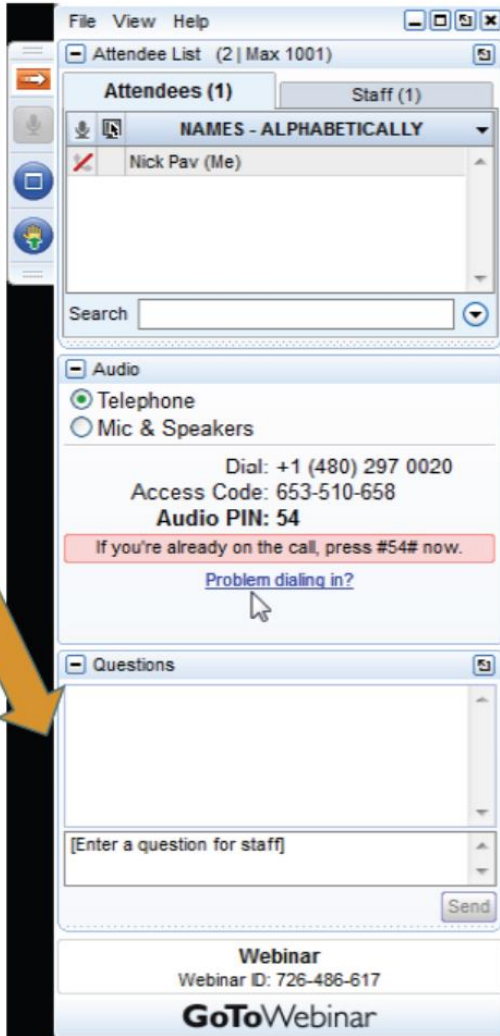
Advocating for Special Education Needs

Co-Sponsor:

The American Bar Association Section of Litigation **Children's Rights Litigation Committee**

- Resources for Children's Lawyers During a National Emergency:
<https://www.americanbar.org/groups/litigation/committees/childrens-rights/resources-for-childrens-lawyers-during-a-national-emergency/>
- *Article:* Are Special Education Services Required in the Time of COVID-19?
<https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2020/are-special-education-services-required-in-the-time-of-covid19/>
- *Toolkit:* Advocating for Special Education Services During COVID-19
<https://www.americanbar.org/groups/litigation/committees/childrens-rights/practice/2020/advocating-for-special-education-services-during-covid19/>

Advocating for Special Education Needs



- To submit questions, click on the “Questions” panel, type your question, and click “Send”
- PowerPoint slides, webinar recording, and certification of participation will be posted at www.kids-alliance.org/webinars



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