



Neighborhood Legal Services
of Los Angeles County

Special Education Advocacy during COVID-19

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Agenda

- Expectations for California Schools and Federal Guidance
- Distance Learning and IEPs
- Assessments and Timelines
- Strategies for Virtual IEPs
- Documenting Regression and Need for Compensatory Services
- Considerations for Specific Services
- Grading and Graduation Requirements

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Federal Guidance on Educating Children with Disabilities during COVID-19

**Requirements under
Individuals with
Disabilities Education
Act (IDEA) and
Section 504 of the
Rehabilitation Act
(Section 504) are still
in place.**

- Children with disabilities still entitled to a **FAPE** in the **LRE** with special education and related services outlined in an **IEP**
- IEPs and Section 504 plans should remain in place
- State testing discontinued
- **Flexibility** to local school districts

State Action Impacting Students with Disabilities during COVID-19

**The Passage of SB 117
limits special
education rights of
students with
disabilities.**

- Three impacted timelines:
 1. Right to receive records within 5 business days of a request.
 2. Right to receive a written response to an assessment request within 15 calendar days.
 3. Right to receive results of a state level compliance complaint within 60 days.

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Distance Learning IEPs—Common Questions

- Is there a need to hold an IEP meeting to discuss its implementation during closures?
- What should a distance learning plan IEP look like?
- What are options schools have when it comes to distance learning instruction?
 - Services through non-public agencies: <https://www.cde.ca.gov/schooldirectory>

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IEP Timelines

Annual and Triennial IEPs must be held once a year and every three years.

Federal and State laws still require these IEPs to be held on time.

- Assessments:
 - OCR guidance, March 16, 2020.
 - Some assessments can be completed during closures
 - New assessments can be requested during closures, but they may not necessarily be initiated within the 60-day timeline

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Strategies for Virtual IEPs

- Request in writing
 - Sample letter in English and Spanish available at <https://kids-alliance.org/covid-19/>.
- Be prepared to take notes and ask questions.
- Ask for breaks.
- What can be requested at the meeting;
 - Laptop, tablet, or other device plus sufficient internet connectivity
 - Assistive technology:
 - Text-to-speech software
 - Sensory tools
 - Durable case/cover for a device
 - Particular service delivery models

Strategies for Virtual IEPs Continued

- Issues to consider when advocating in a virtual IEP:
 - Child's attention span and ability to focus.
 - Your work schedule and need to care for other children or family members.
 - Your availability to support the child in their schoolwork and services.
 - Whether you can provide a quiet environment.
 - What training, support, or materials you need.
 - How frequently or regularly you may need to communicate with teachers or service providers.
- Prepare a list of concerns ahead of time and send them to the district before the meeting to allow them time to prepare solutions

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Documenting Regression

Once school resumes, districts must review how closures impacted special education service delivery and determine if compensatory services are needed.

- You can help by keeping track of:
 - What subjects your student received work in every week.
 - How work was provided.
 - What work your child did and did not complete.
 - How much time your child spent on assignments.
 - What IEP accommodations or services were provided.
 - Whether you were contacted by staff.
 - Any challenges that you or your student experienced.
- Tracking notebook, chart, or record on your phone.

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General Advocacy Tips for Special Education Services during Closures

- Identify the services your student has in their IEP that can still be provided.
 - Ask for the full amount of the service during closures and modify from there.
- Determine the type of setting (large group, small group, individual).
- Ask about consultation time with the teacher or service provider.
- Request that services be provided by a non-public agency if the district is unable to provide them.

Speech and Language Therapy Services

- American Speech-Language-Hearing Association guidelines
- Environment: quiet room, good lighting, minimal distractions
- Telehealth technology: video and audio transmission.
- Ask for parent consultation

Occupational Therapy

- American Occupational Therapy Association guidelines
- Need for supporting adult and video communication systems
- Sensory tools (sent to home or self-purchased and reimbursed)
- Search for own activities and request consult for feedback

Behavioral Needs

- Document regression
- If 1:1 support needed, you can ask the district to see if an aide is available or that services be provided through an NPA (difficult in AV)
- Ask for consultation with BCBA or school psychologist

Specialized Academic Instruction (SAI)

- "Hardest" to meaningfully provide through distance learning.
- If your child receives SAI or RSP, consider:
 - Small group or 1:1 time with teacher
 - Have child attend general education learning sessions with opportunity to join small group or 1:1 "breakout session" after
 - Weekly consults with teacher to adapt or modify work as needed

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Distance Learning and Grades

- Districts can decide to require graded work, or they can offer classes as credit/no credit, pass/fail, or modified A-D.
- Impact of grade scale changes on admission to college
- Effect of missed assignments due to illness



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