



# YOUNG MINDS ADVOCACY

*Turning Promises Into Practice*

## **Advocacy Tips for Parents of Students Receiving Special Education Services During the COVID-19 School Closures in California<sup>1</sup>**

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Throughout the Covid-19 outbreak, parents of children who receive special education services can play a particularly important role in advocating for their children. Most youth with special needs thrive on a predictable and structured daily routine, and these students will be particularly affected by their school's closure. At the same time, teachers and school administrators are understandably occupied with the practical challenges of providing distance learning to all students. In most situations, parents and other caregivers can advocate most effectively by acknowledging that these are tough times for everyone and working collaboratively with teachers to find creative educational solutions.

- **Request an IEP or 504 meeting to discuss how remote learning can work best for your child.**

Request an Individualized Education Plan (IEP) or 504 accommodation meeting by phone or video conference to talk about what remote learning strategies are working for your child and which problems need to be solved. For example, a computer is essential for many distance learning opportunities. If your child does not have access to a computer, or shares a computer with another member of the household, ask the school to provide your child a computer during the school closure. You could also discuss any technical issues with your child's computer or internet connection; any special equipment your child might need in order to participate in online learning programs<sup>2</sup>; and any specialized educational applications that might help your child learn, such as reading applications for students with learning disabilities and organizational applications for children with executive functioning challenges. This statement from COPPA (Council of Parent Attorneys and Advocates), [Serving Students with Disabilities during Covid-19](#), presents examples of promising distance learning strategies in schools across the

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<sup>1</sup> Young Minds Advocacy thanks Tara Ford, Clinical Supervising Attorney, Youth & Education Law Project, Mills Legal Clinic, Stanford Law School, and Rachel Velcoff Hultz, Equity and Access Attorney, Health, National Center for Youth Law, for their valuable contributions to this document.

<sup>2</sup> The California Department of Education (CDE) has directed schools to provide "school-purchased assistive technology devices when necessary" to "ensure children have access to devices they typically use at school." CDE, March 17, 2020, [Distance Learning](#), p. 8.

country. In addition, the California Department of Education (CDE) has posted this [Remote Learning Guidance](#) with ideas to help teachers make online learning more effective. It includes an “accessibility” section with suggestions specific to students with disabilities.

- **Communicate clearly and focus on solutions.**

Communicate with your child’s educators as clearly and objectively as you can. During the Covid-19 crisis, teachers, administrators, and parents alike may be particularly likely to feel overwhelmed by personal and professional challenges. Don’t hesitate to communicate and advocate for your child’s needs, but focus on the solutions you want to propose.

Before an IEP or 504 meeting, plan what you want to say. You might want to write a list of your requests to keep in front of you during the meeting, so you don’t forget anything. Be ready to talk about how the changes you request will help your child meet their IEP goals more effectively. Disability Rights California has a [helpful list](#) on its website of many more IEP advocacy strategies.

- **Ask the school to provide a written list of any services that it will not provide during the school closure.**

If the school tells you that it will be unable to provide some or all of the services that your child was receiving before the school closure, ask the school to give you a written list of those services. This list can be attached to your child’s IEP and will help you to determine if you should ask for “compensatory services” (see below) when school resumes.

- **Despite changes in special education laws during the outbreak, parents can remind educators that children with disabilities require special education services now more than ever.**

Some educators may resist requests for more services during the Covid-19 outbreak. They may say that many of the school’s legal obligations to provide special education services have been paused during the time schools are closed. To some extent, this is true, and federal and state special education laws may continue to change during this unprecedented crisis.<sup>3</sup> See [COPAA’s Covid-19 Q & A](#) for a more detailed discussion of legal rights to special education services during the Covid-19 outbreak. [Disability Rights California’s Covid-19 website for K-12 education](#), also summarizes federal and state Covid-19 guidance regarding special education rights and discusses SB 117, a new law that pauses several special education timelines created by California law.

Regardless of the specific laws that apply during this crisis, however, you can emphasize that, during these highly stressful times, children with special needs require the structure, predictability, and support of special education services now more than ever. Consider explaining how your child in particular has

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<sup>3</sup> A federal law passed on March 27, 2020 gives the United States Secretary of Education the option to request within 30 days waivers of rights created by the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act of 1973 (Section 504). See COPPA’s [policy webpage](#) for details about the potential waivers of federal special education protections and how to oppose them.

been affected by the Shelter in Place order and how the services you request will be essential to help your child overcome those challenges and resume progress toward their learning goals. You can also remind the IEP or 504 team that the United States Department of Education has emphasized that, “to the greatest extent possible,” schools still are expected to provide remote special education services that are comparable to those in the student’s IEP or 504 plan.<sup>4</sup>

- **If a student misses services and cannot make enough progress toward IEP goals during the school closure, the child may be entitled to “compensatory services.”**

If a school fails to provide a student special education services, or if the services are delayed or reduced due to the school’s closure, a student may be entitled to “compensatory services.”<sup>5</sup> When the school reopens, the student’s IEP or 504 team must assess whether and to what extent the student needs compensatory services to help them “catch up” and make the progress they would have made if they had received their full IEP or 504 program. This might mean, for example, additional time in summer school or extra therapy sessions.

To get ready for a compensatory services assessment, keep a written record of every service your child misses during the school closure. For example, if your child typically gets 45 minutes of in-person speech therapy each day, but now is receiving only three 20-minute online speech therapy sessions each week, make a note of that. In addition, write down any facts that show your child is not making progress toward their IEP goals. For example, if your child’s IEP states they will achieve a certain reading level by the end of the school year, keep a record of whether your child is getting closer to that goal. Similarly, keep track of any diminished or lost skills, as well as any increase in behavior challenges. When the school reopens, this information can help you show the school why your child will need extra services.

## Resources

- There are many online resources for children with special needs. Common Sense Media, for example, recommends this list of [special education apps and websites](#). The California Department of Education posts this [list of websites for children](#) with learning differences.
- Many COVID-19 resources are tailored to different groups of students, such as this online [COVID-19 Autism Toolkit](#) and this [checklist for online teaching of deaf students](#). The [Early Childhood Technical Assistance Center](#) has resources about early interventions for young children, including this list of [6 tips for parents teaching their children at home](#).
- During the coronavirus-related closures, schools are expected to continue providing **free or reduced-price meals** to students. The CA Meals for Kids app helps families find the locations of these programs. The app can be downloaded for free at these links: [Apple’s App Store](#), [Google’s Play Store](#), and [Microsoft’s App Store](#). For the most up-to-date information, families can contact their school or district.
- Some companies are offering free or low-cost internet services during the COVID-19 outbreak. The CDE has posted a list of these options [here](#).

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<sup>4</sup> United States Department of Education, March, 2020, [Questions and Answers on Providing Services to Children with Disabilities During a Covid-19 Outbreak](#).

<sup>5</sup> California Department of Education, March 20, 2020, [Special Education Guidance for Covid-19](#).