



Special Education and Your Child with an IEP During the COVID-19 Pandemic: A Brief Guide for Parents

As parents throughout Maryland begin the process of negotiating “continuity of learning” plans for their children with disabilities, Disability Rights Maryland (DRM) offers the following information and suggestions to assist parents in the process.

According to guidance issued by the Maryland State Department of Education (MSDE) on April 2, 2020, <http://marylandpublicschools.org/programs/Documents/Special-Education/20-01-ServingchildrenunderCOVID-19Pandemic.pdf>, it is not necessary for the local school system to convene an IEP meeting **IF** you and your school staff can agree on the services your child will receive during this time that schools are closed. If you cannot come to an agreement, however, an IEP meeting should be scheduled. The meeting will be convened virtually, but must be convened in a way that allows you to participate. You should receive all meeting documents ahead of time.

It will likely not be possible for your child to receive all of the services that are on the IEP, but your child should receive as much of what is on the IEP as is possible, including related services. These services must be accessible to your child, and you should work with your child’s school to discuss how the school will do this. If you need training to help carry out your child’s services, the school should provide this training to you.

You and the school staff should recognize that whatever you agree to is temporary, that your agreement will last only for the length of time schools are closed for the pandemic, and that your agreement does not extend to when your child returns to school. If the school staff are changing your child’s IEP to reflect the agreement you reach to services during the pandemic, you should:

- 1) Make the agreement valid only through the date that schools are closed by the State Superintendent of Schools because of the pandemic;
- 2) If you make the changes through an IEP meeting, make sure the prior written notice for the meeting states that you are not waiving your right to challenge the services being offered to your child during the pandemic or to request compensatory services, and it should outline any concerns you have about the services being offered. You should also ask the IEP team to agree to document that the services that were previously on your child’s IEP will be provided when school reopens;

3) If you agree to changes outside of the IEP meeting process, you should send a letter to your IEP team chair or principal stating that you are not waiving your right to challenge the services being offered to your child during the pandemic, outlining any concerns you have about the services being offered, and stating that you expect that the services your child was receiving before schools closed will resume when schools reopen after the pandemic. You should also state that you are reserving your right to request compensatory services.

Your child may be entitled to compensatory (make up) services once school resumes if your child is harmed by not receiving all of the services on the IEP. To help document your child's possible eligibility for compensatory services, you should begin now to:

- 1) Review your child's IEP, particularly the goals and objectives;
- 2) Write down how your child is doing right now with each goal and objective (present levels of performance);
- 3) Keep a log, journal, videos, notes or whatever works for you to document how your child continues to do in each area for which your child has goals and objectives—academic, social, behavioral, etc. This will help you determine if your child is making progress, staying the same or losing skills over the coming days and weeks.

The guidance from MSDE makes clear that timelines continue to run even though schools are closed. For practical reasons, some timelines may need to be extended, such as if an assessment requires face-to-face interaction that cannot be done remotely. However, if possible, evaluation, reevaluation, IEP meeting, complaint and due process timelines remain in effect.

It is important that you try to work cooperatively with your school during this difficult time to try to develop a plan for your child that will work, recognizing that distance learning poses particular challenges to some students because of the nature of their disabilities. There are a number of creative suggestions and resources from many sources; if you feel “stuck” with your school, or if you encounter a problem, please feel free to contact the intake line at Disability Rights Maryland at 410-727-6352.