



COVID-19 & Educational Rights for Parents

I have a child with disabilities who usually receives services at school through an IEP or 504 Plan. What are some steps I can take to preserve their rights while school is closed due to the COVID-19 pandemic?

We know this is a difficult time for everyone with children being out of school because of the COVID-19 pandemic and that it may be particularly challenging for parents who are trying to aid school staff with educating their children who are on IEP or 504 Plans through virtual platforms. For the first 10 days a student is out of school, the district is not obligated to provide services. However, students with disabilities are entitled to a Free Appropriate Public Education (“FAPE”) once the closures reach the eleventh day.

Parents should take the following steps to help preserve their child’s rights:

- 1) Keep a log of which services are being provided, and those that are not. This will be useful for later discussion about any compensatory services owed to your child.
- 2) If you do not already have baseline documentation, be sure to document this so you have data to show any regression that occurs during the closures. This will also be helpful when discussing compensatory services.
- 3) Request a virtual IEP/504 meeting to discuss services during the school closure. Remember that there are a lot of students who will need to have these meetings, and school staff could be getting sick too. Be reasonable but keep track of any services the student does not get in the interim.
- 4) If you create a new IEP/504 Plan for the interim, be sure that the school makes it clear on the IEP/504 Plan that this is a temporary placement based on an emergency situation that is only to be in place during the emergency, and that it is not to be used for any determination of a “stay put” placement. **IMPORTANT NOTE:** This is very important because if you agree to a new IEP/504 Plan without this stipulation, you may not be able to request compensatory education for the services the student would have gotten had there not been a school closure and a need to modify the IEP/504 Plan.

- 5) Once there is a known return to school date, request an IEP/504 meeting to discuss the student's services when the child goes back to attending school.
- 6) Request an educational evaluation of the student's current needs and discuss any compensatory services necessary to address identified gaps in services and regression relative to the student's goals.
- 7) If your child was suspended or expelled at the time of the school closure, make sure the end of suspension/expulsion date is accurate in the records and not listed as the date children return to school following the closure.

*** DISCLAIMER: This is not intended as legal advice, but rather for informational purposes only. Always consult a lawyer if you have questions about your legal rights. ***

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