

What are my special education rights during the COVID-19 School Closures?

- If your child has an Individualized Education Plan (IEP) or a 504 plan, they are still entitled to a free appropriate public education (FAPE). No state or federal special education laws have been waived.
- A new law called Senate Bill 98 passed in June 2020 requires IEPs to describe how your child will receive special education and related services under emergency conditions (like a pandemic). School districts must create the emergency IEP at your child's next IEP meeting.
- State law "paused" special education assessment timelines at the beginning of the pandemic. But as of July 1, 2020, school districts have to follow assessment timelines again.
- Schools may conduct special education assessments in person if done in compliance with public health guidance. Schools may also conduct assessments virtually or rely on existing data if testing is not possible.
- "In "exceptional situations," schools may provide IEP services in the home to maintain students' mental/physical health and safety for the purpose of supporting the student in distance learning.
- If the pandemic caused a delay in your child's services, federal guidance says IEP teams must make an individualized determination about whether your child needs compensatory education services.
- For more information, call our intake line or visit our COVID-19 Information page at <https://www.disabilityrightsca.org/post/coronavirus-k-12-education> or our SERR Manual at <https://serr.disabilityrightsca.org/>.