

# **Virtual Townhall on Special Education**

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Agencies Involved: Disability Rights California (DRC)

## **Slide 1**

Title Page

## **Slide 2**

Tonight's Agenda

- Provide an Overview of Special Education Law
- Explain Changes to Special Education Law During COVID-19
- Provide Helpful Resources for Families
- Answer Attendees' Questions
- Discussion/Q&A session

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Disability Rights California

Our Mission as an Organization:

- Disability Rights California advocates, educates, investigates, and litigates to advance the rights, dignity, equal opportunities, and choices for all people with disabilities.

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Individuals with Disabilities Education Act (IDEA)

- The IDEA is the federal law that provides eligible children with disabilities an Individualized Education Program, or IEP
- Children with IEPs have the right to a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE)

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Individuals with Disabilities Education Act (IDEA)

- IEPs provide special education instruction & related services
- Examples of related services are speech/language therapy, occupational therapy, physical therapy, counseling, transportation, etc.
- The IDEA gives families procedural protections:
  - Parent participation
  - Right to request an IEP meeting and assessments
  - Discipline Protections

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### Special Education Process

1. Referral for Special Education by Parent/Guardian or Teacher
2. Assessment Plan
  - a. School has 15 days to develop an assessment plan and present to parent
  - b. School should assess in all areas of suspected need
3. IEP Meeting (Initial Eligibility)
  - a. Initial IEP should take place within 60 days of signature of assessment plan
4. IEP Implementation
  - a. IEP should be implemented once initial IEP is signed
5. Annual Review
  - a. Annual IEP held yearly though parent can request IEP meeting at any time. 30 days.
6. Triennial
  - a. Should occur every 3 years

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### Individuals with Disabilities Education Act (IDEA)

- The IDEA is not waived during COVID-19
- Schools may deliver services differently to ensure the health & safety of students and teachers
  - Distance learning
  - Teletherapy
  - Small cohort classrooms
  - At-home in-person services, etc.

## **Slide 8**

### Senate Bill 98 – Emergency IEPs (Ed. Code Sec. 56345)

- State law passed in June 2020
- Applies when schools closed for 10+ days due to emergency
- Must update IEP to describe how services will be delivered:
  - Special education instruction and related services
  - Supplemental aids and services
  - Transition services
  - Extended school year (ESY)
- Emergency plan must be in place by student's next annual IEP

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### CDE Guidance: In-Person Services and Assessments

- In “exceptional circumstances,” in-person services allowed to maintain student's health/safety during distance learning
- Essential Critical Infrastructure Workers
  - Social workers
  - Speech/occupational/physical therapists
  - Nurses
  - Behavioral health workers
  - Family care or respite providers
- 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.

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### DPH Guidance: Small Cohort Settings

- Cohort Guidance authorizes small-group, in-person services in controlled, supervised, school settings.
- Maximum 14 students & 2 adults
- No mixing between cohorts, with exception of 1:1 specialists
- Follow safety protocols (distancing, face coverings, cleaning etc.)
- Not dependent on county health orders
- LEAs are not required to offer cohort education. Districts must opt in.

The detailed guidance can be found at:  
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/small-groups-child-youth.aspx>.

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### Advocacy Tips for Parents

- Put your service or assessment requests in writing
  - Your school must provide a Prior Written Notice (PWN) explaining why it is accepting or rejecting your request. Make sure everything is in writing
- Keep data and records
  - Services Log
  - Work samples
- Read the IEP notes and make changes if necessary
  - Parent Addendum
  - Limited consent

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### Advocacy Tips for Parents

- Pursue complaint options if necessary
  - Due Process Complaint with the Office of Administrative Hearings
  - Compliance Complaint with the California Department of Education
  - Discrimination Complaint with the U.S. Office for Civil Rights

Review DRC's SERR Manual for information regarding complaints.

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### What If My Child Can't Wear a Mask in School?

- Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act require schools to provide reasonable accommodations.

- You can ask the school for a reasonable accommodation to a face mask requirement if your child cannot wear one (for example, using a face shield instead). What is “reasonable” depends on the situation.
- This does not mean your child has the right to go to school without a mask. This may risk the health and safety of others.

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### Summary of Resources

- CDE, COVID-19 Special Education Guidance: <https://www.cde.ca.gov/ls/he/hn/specialedcovid19guidance.asp>
- DRC COVID-19 Special Education Page and Form Letters: <https://www.disabilityrightsca.org/post/coronavirus-k-12-education>
  - Request for IEP Services, IEP Meeting, and IEP Assessment
  - Assessment Non-Compliance Letter
  - Limited Consent Form and Service Log
- SERR Manual (English & Spanish): <https://serr.disabilityrightsca.org/>
- DRC Facemask Publication: <https://www.disabilityrightsca.org/post/know-your-rights-face-coverings-during-covid-19>

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Questions?