



Nevada's Students with Disabilities: Special Education in a Pandemic

As school districts and charter schools plan for the re-opening of schools, it is important to remember there is no one-size fits all approach for students with disabilities. Schools must provide a Free Appropriate Public Education (FAPE) for students with disabilities who are eligible under the Individuals with Disabilities Education Act (IDEA). FAPE includes special education and related services designed to meet the student's unique needs and that prepare the student for further education, employment, and independent living. Despite the COVID-19 Pandemic, when school is in session, students with disabilities remain entitled to receive FAPE.

Schools are required to meet the timelines set out in IDEA for evaluations and re-evaluations, holding Individualized Education Program (IEP) meetings, developing IEPs, and implementing IEPs by providing specially designed instruction and related services. The foundation of IDEA is to create an individualized education program that meets each student's unique needs. We recognize that during the COVID-19 Pandemic, schools will be challenged to offer services as they were provided prior to the pandemic. To meet the needs of students with disabilities, schools and families will need to be creative and collaborative when planning for the school year.

Changes to an IEP may be made without an IEP Team meeting only when the school and parent mutually agree. If parents agree, they should review the Prior Written Notice to understand the changes the school wants to make; and parents should request a revised copy of the IEP documenting the changes. Remember, parents can always request an entire IEP Team meeting to address any concerns with educational progress.

Parents and students will want to work with their school to ensure:

- Present levels of current performance are accurate and any regression is detailed in the IEP, as well as curriculum missed in the last semester.
- Specially designed instruction is clearly documented in the IEP.
- Related services are based on the student's needs.
- Placement decisions are made in the IEP Team meeting.
- Academic and functional IEP goals are written to address the present levels, including any regression.
- Necessary compensatory services are discussed.
- Access to the general curriculum, special education, and related services.
- Supplementary aides, services, accommodations, and modifications needed to meet IEP goals.
- Extended school year services to prevent any further regression.
- Transition aged students' IEP includes decisions on the course of study and specific goals that promote movement to post-secondary life goals.
- Consideration of special factors as listed on the student's IEP.

Parents are an important member of the IEP Team that make decisions about for their child/youth's education. Parents should not be rushed to agree with an IEP or revisions to an IEP. IEP Team meetings should allow for enough time to ensure parent and student participation. The IEP Team is encouraged to discuss and determine any special attendance accommodations that may be needed.

Parents and students are faced with difficult choices during this COVID-19 Pandemic - whether distance learning will work, if face-to-face education is needed or if a hybrid approach will work. Parents are worried about their child's health and safety, and at the same time wanting their children to receive FAPE. Parents may want to contact their child's medical and/or service providers for input on the physical or mental health impact of educational decisions.



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Schools will need to ensure students with disabilities have suitable access to the internet, equipment, books, materials and supplies, including assistive technology. Schools will have to provide reasonable opportunities for students to earn credits to ensure a pathway to graduation for students. When education plans are not working, schools must make sure that students with disabilities do not bear the consequences. Schools will need to be flexible and understand that family circumstances may not allow for parents to provide instruction.

If distance learning is not effective, schools will need to be creative to meet the individualized needs of students. Regular communication among parents, students and educators will be essential to address concerns as they arise. Whether distance or classroom learning, or a hybrid model, the needs of each student must be carefully considered. The educational rights and protections afforded to children with disabilities and their parents under IDEA must not be diminished, compromised, or waived during this COVID-19 Pandemic.

In instances where a disagreement occurs between parents and the school, parents are encouraged to talk with the teacher, the IEP Team and as needed the principal. Many school districts also have more formal processes in place for parents to share their concerns and to submit complaints that can be found on their website. Under IDEA, the Nevada Department of Education is responsible for the administration of dispute resolution processes such as due process, mediation, and state complaints. Procedural Safeguards protect the rights of parents to help plan their child/youth's educational program. Schools must give parents a copy of their IDEA rights, these rights also provide steps for parents and schools to try to resolve disagreements.

Tips for resolving differences:

- Organize your concerns, Keep documentation
- Meet with school and/or district staff to share your concerns
- Brainstorm, listen and focus on the issues
- Acknowledge progress made towards agreements
- Encourage regular parent/teacher communication

[Resolving Disputes through the Nevada Department of Education](#)

- **IEP Facilitation** is a process where a non-biased facilitator helps with communication at the meeting to develop a meaningful IEP that is supported by team members.
- **A State Complaint** is one option provided by IDEA law to use when parents believe that the IEP under IDEA is not being followed. This is a written complaint in which parents explain what the concern is, provide information about the concern, and suggest solutions to the concern.
- **Mediation** is a meeting between parents and the school district. The parent and school must agree to try mediation. A person who does not work for the district helps both sides to find agreement.
- **Resolution session** is a required meeting, in most cases, whenever a parent submits a due process request. It is organized by the school. It is held within 15 days of the school receiving a due process request.
- **An impartial due process hearing** is a formal hearing. Each "side" presents its position, and a hearing officer makes the final decision about what to do. A decision is based on evidence and law. School for children with disabilities must contain a quality learning experience.

It is important for both parents and educators to advocate for students with disabilities to receive a Free Appropriate Public Education.

Citations:

Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak (2020). US Dept. of Ed COVID-19 and Students with Disabilities (2020). Nevada State Dept. of Ed