

U.S. DOE ISSUES SUPPLEMENTAL GUIDANCE REGARDING SPECIAL EDUCATION DURING COVID-19 SCHOOL CLOSURE

On March 21, 2020, the Office for Civil Rights and Office for Special Education and Rehabilitative Services issued a Supplemental Fact Sheet regarding the provision of services to students with disabilities while addressing COVID-19 risks. The fact sheet addresses concerns about using distance education and addresses special education timelines under the Individuals with Disabilities Education Act (“IDEA”).

IDEA

and Section 504 do not prevent special education programming via online services, video conferencing or telephone conferences.



The U.S. Department of Education encourages schools to use flexibility in providing special education during school closure. FAPE may include providing special education and related services virtually through online services, videoconferencing or telephone conference. Services may also include low tech alternatives such as instructional packets. When determining how to provide services, individual circumstances of students should be considered. When school resumes, IEP teams will need to make individualized determinations as to whether and to what extent a student with a disability will need compensatory services.

IEP

timelines are not extended, but state complaint, mediation and due process timelines may be extended.

Timelines for developing initial IEPs and for annual reviews are not extended, but meetings may be held by video conferencing or telephone conference with parent agreement. IEP revisions that



are not annual reviews may be done through IEP amendment, if appropriate and with parent agreement.

Timelines for processing state complaints may be extended, as an “exceptional circumstance,” if a large number of State employees are unavailable or absent for an extended period of time. Mediation and due process timelines may be extended with agreement of the parties and hearing officers may grant specific extensions of time.

If you have questions regarding special education during the closure, please call one of our attorneys in Flossmoor at 708-799-6766 or in Oak Brook at 630-928-1200 or email one of our attorneys.