

# Special Education & Continuity of Learning

Fact Sheet

CIDA Town Hall 2020

Keywords: equal access to learning, including students with disabilities, low income families with language barrier, preparing students for the future, remote learning for students with disabilities, least restrictive environment for learning



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## CIDA Vision

We envision all individuals with disabilities to be able to live self-determined lives and contribute as valuable members to all aspects of the community.

## Laws & Policies

### Federal Policies on Special Education and Remote Learning During the Pandemic

#### • Assessment

- Restrictions caused by the COVID-19 pandemic can be considered as “exceptional family circumstances” (on a case-by-case basis) that qualify for an exception to the [Individuals with Disabilities Education Act \(IDEA\)](#) Part C 45-day timeline requirement.
- Any early intervention services that are determined to be **needed** by and **available** to a child and a child’s family may begin before the completion of their evaluation or assessments.
- Due to the limitations on in-person evaluations and assessments during the pandemic, evaluations may be done using medical records and assessments may be investigated to be done remotely.
- Source: U.S. [Department of Education Office of Special Education Program Memo Issued July 6, 2020](#)

#### • Procedure

- Public agencies may accept a parent’s electronic/digital signature, with appropriate safeguards, as written parental consent to:
  - Their child’s initial evaluation, reevaluation, or initial provision of special education and related services
  - Disclose Personally Identifiable Information (PII) from the child’s education records
- Public agencies can provide parents with prior written notice, procedural safeguards notice, and/or access to education records during the pandemic via email.
- Source: [Department of Education Office of Special Education Program Memo Issued June 30, 2020](#)

#### • Use of Educational Funding During the Pandemic

- State Education Agencies(SEAs) and Local Education Agencies (LEAs) are allowed to use IDEA Part B funds for equipment and other assets for increased accessibility to remote learning platforms if [Office of Special Education Programs \(OSEP\)](#) determines that permitting these funds will improve an IDEA Part B program.
- Source: [Department of Education Office of Special Education Program Memo Issued June 25, 2020](#)

## Special Thanks to...

### [Senator John C. Liu \(Co-host\)](#)

Chairperson, New York City  
Education Committee

### [SANYS](#)

[Self Advocacy Association of NYC](#)

### [AFC](#)

[Advocates for Children of New York](#)

### [INCLUDEnyc](#)

### [CACF](#)

[Coalition for Asian American  
Children and Families](#)

### [KACF](#)

[Korean American Community  
Foundation](#)

### [CCHC](#)

[Chinese Christian Herald Crusades](#)

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## **New York State Education Department Special Education Quality Assurance Regional Offices**

### [New York City Regional Office](#)

(718) 722-4544

### [Long Island Regional Office](#)

(631) 952-3352

### [Eastern Regional Office](#)

(518) 486-6366

### [Hudson Valley Regional Office](#)

(518) 473-1185

### [Central Regional Office](#)

(315) 428-4556

### [Western Regional Office](#)

(585) 344-2002

## New York State Policies

### Special Education

- School districts should develop a protocol to communicate with parents and guardians during a closure, as well as be responsible for follow-up communication once schools open.
- Schools must ensure that each student with a disability can be provided with the special education services identified by the student's Individualized Education Program (IEP), including distance learning plans and instructional telephone calls.
- [Source: The State Education Department Memo Issued March 2020](#)

### Continuity of Learning for English Language Learners

- The Office of Bilingual Education and World Languages is to ensure all New York State students attain the highest level of language proficiency.
- [Source: Continuity of Learning for English Language Learners \(New York State Education Department, March 2020\)](#)

### Additional Memos and Resources

- [NYS Education Department COVID-19 Website](#)

## Advocacy Facts

### Federal Accountability

- U.S. Department of Education had granted waivers of 2020 state assessment requirements due to coronavirus.
- These waivers provide state education agencies with the flexibility to bypass assessment and accountability requirements in Every Student Succeeds Act (ESSA) for the 2019–2020 school year.
  - Possible suspension and cancellation of statewide assessment

### Instructional Time

- If general instruction is offered during school closure, districts must ensure that students with disabilities also have equal access to the same opportunities as general education students.
- Many students lack access to technology for remote learning.
- 17% of U.S. students do not have computers in the home & 18% of students lack access to high-speed internet (Statistical data from Associated Press)

### Rights of Students and Parents

- Call on action to ensure federal funds are not used to discriminate students with disabilities.
- Special attention must be paid to ensure that information is in a language that parents understand and is accessible to parents with disabilities.
- Students with disabilities may need access to additional technology or specialized devices in order to remotely take part in the general curriculum alongside their nondisabled peers.