Q&A for Parents of Children with Disabilities

The mission of the [Kentucky Department of Education](#) (KDE) is to be a partner to districts, schools, families and others to ensure the success of every student. Never before has our commitment to partnering with parents and families been more important than it is now amid the COVID-19 pandemic.

This document responds to concerns raised by parents and advisory groups related to children with disabilities and the reopening of schools for the 2020–2021 school year.

1) **Are school districts still obligated to provide a free appropriate public education (FAPE) in the least restrictive environment (LRE) to children with disabilities during virtual/ distance learning due to COVID-19?**

   Yes. Regardless of the instructional delivery model, local school districts remain responsible for providing a FAPE to students with disabilities while also ensuring the health and safety of all students and staff are top priorities.

   See [COVID-19 Considerations for Reopening Schools: Exceptional Learners and Preschool Students](#) (Updated Sept. 10, 2020) for more information about LRE.

2) **What is the role of the parent/family during virtual/distance learning?**

   When considering the role of parents in supporting the implementation of a student's Individual Education Program (IEP), parents are not responsible for providing FAPE to their child(ren) with a disability or expected to provide Specially Designed Instruction (SDI) that typically is provided by a certified teacher or related service provider.

   However, parents do have a unique and significant role in supporting their child(ren) in the instructional process. Parents can help ensure a safe, efficient and effective learning environment for children who are learning remotely from home and promote the daily participation of their children in the instructional process. Parents can utilize training resources to assist in supporting their child(ren) and their unique learning needs.

   Parents should feel empowered to communicate with teachers and school and district administrators concerning what is working and what may not be working well, and to ask for support when needed. For example, parents may wish to discuss with their child's school:

   - Including, if appropriate, parent training as a related service in their child's IEP.
   - Whether assistive technology (AT) services are needed to support the student during virtual instruction.
   - The implementation of behavioral strategies that may work at home.

See [COVID-19 Considerations for Reopening Schools: Daily Participation and Non-Traditional Instruction](#) (July 20, 2020) for more information.

3) **Has anything changed due to COVID-19 about my or my child's rights under the Individuals with Disabilities Education Act (IDEA)?**

No. COVID-19 has in no way altered or limited the rights of parents of children with an IEP under the IDEA.

For additional information, see the [Part B Procedural Safeguards Notice](#).

4) **Are there resources available to help parents and families support the needs (academic, social, emotional, behavioral, etc.) of their children in virtual/ distance learning?**

Yes. The challenges associated with balancing work and other responsibilities while also supporting your children during this time are real, and no one knows that better than parents and families. While schools have reopened - either in-person, virtually or a hybrid of the two – no one can predict what will happen with the virus over the next several months. Because of that, we must continue working together to ensure learning continues, and that individuals and communities remain safe.

In addition to communicating with teachers, schools and local districts about instructional difficulties the student may be facing, it is equally important for parents to communicate difficulties or concerns the student is experiencing socially, emotionally and/or behaviorally. Parents may wish to discuss with their child's school including, if appropriate, parent training as a related service in their child's IEP. Parents and families may also find the following resources helpful:

KDE Resources
- [Parent and Family Resources](#)
- [COVID-19 Resources for Special Education and Early Learning](#)
- [Commissioner's letter regarding IEP services to families of children with disabilities during the COVID-19 pandemic](#) (March 17, 2020)
- [Resources and Tools for Remotely Teaching Students with Significant Cognitive Disabilities](#) (March 11, 2020)

State Resources
- [Kentucky Special Parent Involvement Network](#) (KY-SPIN)
- [CHFS: Division of Family Resource and Youth Services Centers](#) (FRYSC)
- [Kentucky Protection and Advocacy](#) (P&A)
- [Kentucky's Statewide Family Engagement Center](#) - Kentucky Collaborative for Families and Schools at The Prichard Committee

National Resources
- [Center for Parent Information & Resources](#)
- [A Parent's Guide to Virtual Learning: 4 Actions to Improve Your Child's Experience with Online Learning](#) – National Center for Learning Disabilities (NCLD)
- [Parent Advocacy Toolkit](#) – National Center for Learning Disabilities (NCLD)
- [Family Guide to At-Home Learning](#) - Collaboration for Effective Educator Development, Accountability, and Reform (CEEDAR) Center
- [Parents: Supporting Learning During the COVID-19 Pandemic](#) – The IRIS Center

5) **Should I still expect my child to make progress during virtual/ distance learning due to COVID-19? What if they are not making the progress that was anticipated when the IEP was developed?**

In short, yes. The U.S. Supreme Court, in a 2017 unanimous decision in the case of *[Endrew F. v. Douglas County School District](#)*, found that "to meet its substantive obligation under the IDEA, a school must offer an IEP that is reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances," and that "every child should have the chance to meet challenging objectives." The COVID-19 pandemic does not change this law and standard.

While there are no perfect options for reopening schools, teachers and administrators are working in partnership with parents to address the needs of all students, including the individual needs of students with disabilities.

Districts must ensure that, to the greatest extent possible, each student is provided the services - including specially designed instruction (SDI) and related services - identified in the student's IEP. Local schools and districts must continue to make a good-faith effort to implement the student's IEP as written.

At the same time, it may not be possible in the current environment to provide all of the services originally planned during the development of the IEP in ways that are feasible or safe, or deliver them in the same manner they typically would have been provided. If these situations occur, the ARC should convene to discuss alternative ways to implement the IEP or plan for compensatory education services when face-to-face instruction resumes. If districts are unable to provide some services through virtual learning or other alternative means available and accessible to the student, the Admissions and Release Committee (ARC) must determine the extent to which compensatory services, if any, will be provided once the district has resumed standard operations and face-to-face services can be provided.

See Question 6 below for additional information on compensatory education.

6) **Will my child be entitled to compensatory education if instruction/services are missed during virtual/distance learning due to COVID-19? How will this be determined?**

Perhaps. When special education and related services are not provided in accordance with an IEP, regardless of the reason why, it may result in a denial of FAPE. The remedy for failing to provide FAPE is compensatory education.

ARCs must review the status of special education and related services and ongoing progress monitoring on a case-by-case basis to make individualized determinations whether, and to what extent, compensatory education services are required.

It is important to note, the determination a denial of FAPE has occurred and the decision to award compensatory education as a remedy need not be limited to the dispute resolution process. There is nothing to prevent local ARCs from making such a determination.

See COVID-19 Considerations for Reopening Schools: Compensatory Education and Extended School Year Services (July 20, 2020).

7) **What if online learning platforms are not accessible to my child?**

While Kentucky school districts strive to ensure students with disabilities have equitable access to online learning environments, district officials need to know immediately when students are unable to effectively access these platforms. To that end, parents should communicate clearly with school and district leaders when there are difficulties, and local districts should engage parents and students as partners in the process of improving equitable access to and engagement in learning environments for each student. Connections between parents and school staff are most effective when families and educators engage in two-way communication about student learning and needs.

For additional information, see Relevant Laws and Best Practices Related to Accessibility and Technology as Schools Respond to COVID-19 – National Center for Learning Disabilities (NCLD).

8) **What if information from districts is communicated to students and parents through means that are not accessible (e.g., texts)?**

While Kentucky school districts are working diligently to communicate effectively with parents, there are no "perfect" options and at times, issues will need to be addressed and improvements made. To that end, parents should be clear in their communications with school and district leaders regarding what is working well and what may not be working well in the area of communications. Likewise, local districts should engage parents and students as partners in the process of improving accessible, two-way communications.

9) **What is KDE doing to ensure more consistency in and better quality of services to children with disabilities across the state during virtual/ distance learning due to COVID-19?**

Partnering well with districts, schools, parents and communities is key to achieving our vision that every student is empowered and equipped to pursue a successful future. This includes providing guidance driven by the needs of students, timely technical assistance to families, local districts and other stakeholders, and partnering with community groups and agencies to identify additional resources needed to support students with disabilities during the COVID-19 pandemic.

In partnership with the Kentucky Department for Public Health (DPH), KDE has convened and hosted numerous webinars and webcasts with diverse partners to learn about needs from those who are closest to our students, and share information and resources.

KDE has been in nearly constant communication with districts superintendents, as well as in regular communications with a variety of stakeholder and advisory groups, around a wide array of state and local needs related to COVID-19, including those of students with disabilities.

KDE has worked to stay in regular communication with partners and the state through providing ongoing COVID-19 Updates and Information for P-12 Education, as well as through other means.

Regular communications with partners and state officials has helped to inform KDE's development of a host of guidance documents, several of which focus on the particular needs of and laws related to children with disabilities.

KDE's commitment to providing leadership and support and partnering with districts, schools, parents and communities is steadfast and ongoing. KDE will provide additional guidance, as necessary, in this changing environment.

10) **What if there are "real-time" instructional or technical support needs during virtual/distance learning?**

You may have received information from your child's school, district and/or teachers about what to do and who to contact if your child has trouble accessing or engaging in the virtual learning environment. In fact, you probably received a lot of information about school reopening, so it may be difficult to quickly locate what you need - especially if you are having technical or related issues.

It may be helpful to keep a list of phone numbers and email addresses for your child's teachers, school/district technical support staff and principals close by.

Some schools/districts also may be using a virtual learning platform, apps or tools that include a parent portal or text to parents app. If so, it may be helpful to sign up for those tools. As teachers and students will frequently be utilizing these platforms or apps, this may be the most efficient way to communicate with your child's school about needs that arise in real-time.

If you are having trouble locating this information, reach out to your child's teachers or principal to ensure you have the contact information you need, when you need it. Parents also may access KDE's statewide district and school directory for additional contact information.

Additional Informational Resources

- Q&A on the provision of IDEA services in the current COVID-19 environment - U.S. Department of Education Office of Special Education Programs (OSEP) (Sept. 28, 2020)
- Technical Assistance to Assist K-12 Schools in Meeting Their Obligations Under Federal Civil Rights Laws – U.S. Department of Education Office for Civil Rights (OCR) (Sept. 28, 2020)
- Returning to School: Considerations for Students with the Most Intensive Behavioral Needs - Center on Positive Behavioral Interventions and Supports, National Center on Intensive Intervention and the National Integrated Multi-Tiered Systems of Support Research Network (Sept. 2020)