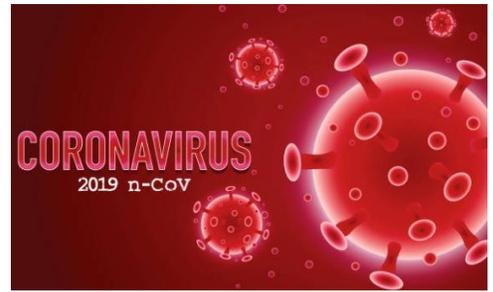




## Legal Requirements for Providing Services to Children with Disabilities During the Coronavirus Disease Outbreak



The CDC has issued guidance to help administrators of public and private childcare programs and K–12 schools plan for and prevent the spread of COVID-19 among students and staff. Many decisions have been made by governments and school districts to close school campuses. The [US Department of Education](#) has provided an FAQ document to assist in understanding the legal responsibilities of schools to provide services under IDEA during this health crisis.

### Preparing for a school closure due to COVID-19

IEP teams may include distance learning plans in a child's IEP that could be triggered and implemented during a closure due to a COVID-19 outbreak. Such contingent provisions may include the provision of special education and related services at an alternate location or the provision of online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, and may identify which special education and related services, if any, could be provided at the child's home. Creating a contingency plan before a COVID-19 outbreak occurs gives the child's service providers and the child's parents an opportunity to reach agreement as to what circumstances would trigger the use of the child's distance learning plan and the services that would be provided during the dismissal.

### Schools closing and not providing any educational services to students

If the school does not provide educational services to general education students, then it is not obligated to provide services to students with disabilities during the same period of time. Once school resumes, the school must make every effort to provide the services specified on the IEP.

- Decisions must be made about how teachers of the deaf/hard of hearing and educational audiologists will be able to increase the service time spent with students once school resumes, to make up for the time lost during school closure, as the service time specified on the IEP remains a responsibility that the school must make every effort to provide.

### Schools closing campuses but continuing to provide educational services to students

If the school is providing educational opportunities to the general student population during school closure, the school must ensure that students with disabilities also have equal access to the same opportunities. Schools must ensure that each student with an IEP or 504 Plan is provided special education and related services specified on the IEP or 504 Plan, to the greatest extent possible.

- Schools must determine how access accommodations will be provided to ensure that students with hearing loss can receive the same opportunity to instruction as their hearing peers. Schools must decide how they would provide access via interpreters and captioning to online education.
  - Note: [Teacher Tools membership](#) materials provide a wealth of digital instructional materials.
- Teaching staff (DHHTs, SLPs, Educational Audiologists) must decide what materials they can readily use in online or virtual education methods as they continue work on IEP goals.
  - Note: [Streamer captioning](#) is an option for secure captioning services.

**If a child is sick with COVID-19 while schools remain open**

Students with IEPs who must stay home for more than 10 school days due to a medical problem need homebound services. A placement change would need to be made on the IEP. The IEP goals would remain the same. The IEP Team would determine the method of instruction most applicable for the student to benefit. If the child does not receive homebound services, the school must determine if compensatory services may be needed to make up for any skills that may have been lost. For children with disabilities protected by Section 504 who are dismissed from school during an outbreak of COVID-19 because they are at high risk for health complications, the decision to dismiss must be based on his or her individual risk for medical complications and not on perceptions of the child's needs based merely on stereotypes or generalizations regarding his or her disability.

**If a School for the Deaf is closed**

The school must determine whether each child could benefit from online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities to the extent available. If the child does not receive services during the school closure, the school must determine if compensatory services may be needed to make up for any skills that may have been lost.

Note: This information is not to be construed as legal advice. Bulleted points represent information added by the author. Refer to the full [Department of Education](#) document for more information.