



Q&As related to Individualized Education Programs (IEPs) during COVID-19

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1. If my child needs an IEP or a 504 plan, can I still request one during distance learning?

Yes, absolutely. You should send an email to your District's Exceptional Student Education Director. It is important that you send this **in writing** to ensure you trigger the District to evaluate your child. Once you send this email, the District should respond either to have you sign consent for an evaluation within 30 calendar days, or with a statement as to why they do not believe your child needs to be evaluated. It is important to note that timelines may be extended to complete the evaluation during the COVID-19 pandemic, but the timeline to respond to your request should not be extended. If you are having issues requesting an evaluation, you can contact the Children's Rights Unit at (386) 361-5254 for assistance.

2. I requested an evaluation in all areas of suspected disability before schools closed due to COVID -19, will the schools be able to complete the evaluation?

Yes and no. According to the Florida Department of Education guidance, any and all required evaluations, IEP meetings etc. may also be held virtually to the extent practical. Many formal evaluations may not be completed virtually, they have to be conducted in person. You can read the full language by clicking [here](#). If you need assistance, you can contact the Children's Rights Unit at (386) 361-5254.

3. If I signed consent for my child to be evaluated, will I get the same kind of evaluation?

Since not all evaluations can be completed during this time, some districts are moving towards screening instead of conducting a full evaluation. These screeners may look like a questionnaire or a checklist that you and your child's teacher fill out. While these screeners certainly provide valuable information, they are not standardized, norm-referenced full evaluations. You must look carefully at the consent for evaluation form you are signing to make sure that the District is doing a full evaluation, not just a screening. You have the right to insist on a full evaluation. If you have difficulty getting an evaluation, you can contact the Children's Rights Unit at (386) 361-5254.



4. Are IEP meetings still being held during this time?

Yes, IEP meetings are being held virtually. Many District's use video streaming platforms, such as Zoom, WebEx or Microsoft Teams. You should be able to download these apps to your phone or computer for free. You will be able to participate in the meeting with your video on or off, based on your preference. If no one has their video on, you should request they turn their video on, so that you know who is talking. If you have further questions about virtual IEP meetings, you may contact the Children's Rights Unit at (386) 361-5254.

5. I do not have access to a computer, will I still be able to participate in my child's IEP meeting?

Yes, school districts are required to ensure parents are able to fully participate in their child's IEP meeting whether it be by telephone, video conferencing, or by other means. If the District has provided a computer to your child, you may use that device. If you feel as though you have been denied your right to participate in your child's IEP meeting, you can call the Children's Rights Unit at (386) 361-5254.

6. What if my child was not provided a computer as part of a distance learning plan?

If your child has a disability, under the ADA, the District should provide equal access to technology. If you have trouble getting either technology, or access to the internet, please call the children's rights unit at (386) 361-5254.

7. What if the District offered my student with a disability a computer, but we have no wi-fi or internet access?

You should contact your school district immediately. Many internet and telephone providers have made available free services for students who need them. If you have trouble getting either technology, or access to the internet, please call the Children's Rights Unit at (386) 361-5254.

8. If my child currently has an IEP, what should I expect from the District for support during distance learning?

Your child's IEP still applies during distance learning. It is best to review your child's most recent IEP to determine what supports and services s/he was receiving. For example, if your child was receiving extra help in math, reading, or any other subject they should continue to receive extra support from their teacher for those subjects.



Many children with disabilities receive one-on-one or small group instruction. If your child had this on his or her IEP prior to COVID-19 they should continue to receive instruction in a similar manner during distance learning.

Due to the limitations of distance learning, the amount of time the teacher spends with your child may be less than what your child previously received. However, this does not mean that the teacher should not be providing little or no direct support to your child. Providing support to the parent is not the same as supporting the child; the child should be receiving the instruction. Make sure to keep a record of the following: the services, how often the services were to occur, when the services happened, **AND** when the services did not happen.

If you feel your child is not receiving adequate support or if your child loses skills due to distance learning, you may be entitled to remediation. If you do think your child has lost skills, please contact the Children's Rights Unit at (386) 361-5254.

9. How much flexibility does my school district have in implementing my child's IEP?

The Florida Department of Education has told schools that they have increased flexibility in providing instruction during COVID-19. Schools were told that they can provide alternative services or delay services until students return to back to their regular schools. This does not mean that your child will lose their services necessarily. The school district must make a good faith effort to implement as much of the IEP as possible. If the District decides to delay services now or provide alternative services, you can address the time lost, or the need for increased services to remediate any regression when your child returns to his or her regular school. It may be difficult to get these services from your district. If you are struggling with this, you can reach the Children's Rights Unit at (386) 361-5254.

10. My child receives counseling, speech-language, occupational, or physical therapy services, how will this be completed?

According to federal and state guidelines, school districts should use technology that allows the student to engage in teletherapy whenever possible. This means, they will be able to see and hear their provider over the computer or telephone. Supplemental activities given to you by a service provider do not replace their duty to provide these services directly. If you are not getting the services on your IEP, please contact the Children's Rights Unit at (386) 361-5254.

11. My child received group therapy services; will those services continue?



Every student has the right to privacy. Because there is no way to control who would view an online therapy group, many schools have decided to provide these services individually. During distance learning, this is an appropriate choice for a district to make. This should not decrease the amount of time that your student is entitled to. If you feel you have lost therapy time during distance learning, you can contact the Children's Rights Unit at (386) 361-5254.

12. My child is on Access Points, does that still apply during distance learning?

Yes. This means your child should be receiving work that is at his or her *instructional level*. Instructional level is not grade level work. For example, if your child is in sixth grade, but is on a third-grade academic level, the curriculum should be modified so that s/he can understand and participate in the work. If you are getting work sent home that your child cannot understand, please call the Children's Rights Unit at (386) 361-5254.

13. My child is in third grade and was in danger of failing the third grade FSA. Since the FSA is cancelled, does this mean they will move on to fourth grade?

Not necessarily. The Florida Department of Education stated that promotion decisions will be made *in consultation* with parents, teachers, and school leaders based on the students' classroom performance, and progress monitoring data. Basically, this means that you, your child's teachers, and other school staff will decide whether or not to move your child to the fourth grade. There is still a possibility that your child could be retained. It is important that you continue to work with your child during distance learning. If you feel you may need help with this, please call the Children's Rights Unit at (386) 361-5254.

14. I am not a teacher, how am I supposed to teach my child all of these different subjects?

School districts are responsible for the education of your child. Clearly, parents are not teachers. Teachers should still be teaching and providing an acceptable level of support. If a teacher is not working directly with your child, and you feel they should be, you can reach the Children's Rights Unit at (386) 361-5254.

15. My child has a Behavior Intervention Plan, how will it be implemented?

Your child's Behavior Implementation plan will not be able to be implemented at school at this time. However, parents and the IEP team should develop ways the target behaviors can be addressed at home using the Behavior Intervention Plan. If you feel you are not getting the proper support in this area, you can call the Children's Rights Unit at (386) 361-5254.



16. My child is blind, how will services be implemented?

The services should be implemented to the maximum extent possible. According to the Florida Department of Education – Division of Blind Services, if services are not being provided, service providers must document that. Again, look at your IEP to see what services your child is entitled to and document whether they are being given or not. If you feel your child is not getting the services on their IEP, you can contact the Children’s Rights Unit at (386) 361-5254.

17. My child has accommodations, how will they be implemented?

According to the federal guidance, most accommodations and services can be provided via distance plans. Accommodations such as extended time, checking for understanding, fewer number of questions answered or alternate forms of assessment, and accessibility accommodations all may be provided at home. To read the federal guidance, click [here](#). If you feel your child is not getting the accommodations on his or her IEP or 504 plan, you may contact the Children’s Rights Unit at (386) 361-5254.

18. Will my child receive compensatory education?

If you’re child loses skills, or does not make adequate progress during distance learning, the school must make an individualized determination as to whether remedial services are needed. If you feel your child has not made adequate progress during this time, you may contact the Children’s Rights Unit at (386) 361-5254.

19. Will my child be eligible for ESY (extended school year) services?

Extended School Year Services (ESY) is an IEP team decision. Every student with an IEP must have a meeting to determine if that student is eligible for ESY. So far, guidance indicates that there is an expectation that school districts will try to remediate some of the COVID-related losses during ESY. You should reach out to your school district to set a meeting to discuss ESY immediately. If you are having trouble doing so, you may contact the Children’s Rights Unit at (386) 361-5254.

20. My child had the support of a para-professional, will that support still be available?

Yes, the para-professional should still be contacting both the parent and student to provide support since it is in the IEP. If you are not getting this support during distance learning, you may call the Children’s Rights Unit at (386) 361-5254.



21. Are teachers required to be available during school hours while the school buildings are closed?

As of right now the Florida Commissioner of Education has not determined the instructional hours for teachers since schools closed due to COVID-19. School Districts have been lenient with teachers as to their availability. You should contact your child's teacher(s) as to availability. If you feel that you are not getting enough support from your teacher, reach out to the Children's Rights Unit at (386) 361-5254.

22. How are teachers tracking student academic progress?

The Florida Department of Education states, "IEP and 504 teams should monitor each student's progress and determine, what, if any, remediation may be needed upon return to the student's placement." Teachers should be tracking academic progress. You have a right to view this progress and should request it regularly. If you have any problems, or you feel that no one is tracking progress, contact the Children's Rights Unit at (386) 361-5254.