



QUESTIONS ON PROVIDING SPECIAL EDUCATION SERVICES TO VIRGINIA'S CHILDREN WITH DISABILITIES DURING THE COVID-19 OUTBREAK

Is a local educational agency (LEA) required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by the COVID-19 outbreak?

NO

If it closes its school to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then it would not be required to provide services to students with disabilities during that same period of time.

YES

If the LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE (34CFR §§ 104.4, 104.33 (section 504) and 28 CFR § 35.130 (Title II of the ADA)).

Does the LEA have to provide special education and related services to a child with a disability who is absent for an extended period of time because the child is infected with COVID-19, while the schools remain open?

YES

If a child with a disability is absent for an extended period of time because of a COVID-19 infection and the school remains open, then the IEP team must determine whether the child is available for instruction and could benefit from homebound services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available.

* IDEA Part B funds may be used for activities that directly relate to providing and ensuring the continuity of special education and related services to children with disabilities. For example, an LEA *may* use Part B funds to disseminate health and COVID-19 information that is specifically related to children with disabilities.

* LEAs, however, *may not* use IDEA Part B funds to develop or distribute general COVID-19 guidance or to carry out activities that are not specific to children with disabilities (general COVID-19 activities for children and staff).





QUESTIONS ON PROVIDING SPECIAL EDUCATION SERVICES TO VIRGINIA'S CHILDREN WITH DISABILITIES DURING THE COVID-19 OUTBREAK

**What if I can't
supervise, assist, or
provide my child's
education during the
outbreak?**

Document –

- Materials provided by division
- Time spent on instruction
- Correspondence with teacher, related service providers, and administrators
- Your ability or inability to instruct
- Resources you have used
- What your child is missing out on

This is an emergency -

- Give yourself a break
- Relax your expectations
- Do the best you can with what you have
- Ask for help
- Health and safety are most important
- Create a routine

Resources

<https://sites.ed.gov/idea/new-resource-accessibility-distance-learning-options-students-with-disabilities/>

<https://sites.ed.gov/idea/files/qa-covid-19-03-12-2020.pdf>

<https://sites.ed.gov/idea/departments-releases-covid-19-idea-related-q/>

http://www.doe.virginia.gov/administrators/superintendents_memos/2020/076-20.docx