

Know Your Rights

Education Rights during COVID-19 Distance Learning

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This is a hard time for everyone, and it is likely even more difficult for a child who experiences a disability and has an Individualized Education Plan (IEP). We know family life is very different than it was just a month ago.

As schools move to remote or distance learning for the remainder of the school year in Oregon, families and districts will have to work together to find ways to help students learn. We want you to know what your rights are in this new landscape.

What is distance learning and does my district have to provide it?

- » Distance learning means the student and the teacher are in different locations. Distance learning is not just online learning. It can include different learning strategies and methods of contact.
- » All districts were required to begin offering distance learning by April 13, 2020.

What are schools required to do?

- » Teachers must regularly connect with each student. This can be on the phone, in writing, or online.
- » Teachers must monitor and record the student's progress.

What are the rules for high school students?

- » Schools must provide multiple flexible opportunities for high school students to earn credit toward graduation.

How much time is required for distance learning?

The Oregon Department of Education (ODE) recommends the following guidelines for schools:

- » Kindergarten and 1st grade: 45 minutes per day
- » 2nd and 3rd grade: 60 minutes per day
- » 4th and 5th grade: 90 minutes per day
- » 6th through 12th grade: 30 minutes per teacher (three hours total per day)

If I don't have a computer or access to the internet, will my child still get services?

- » Yes, your child's teacher should reach out to you to see if you have technology needs or if you need instruction provided in other ways. They may offer a laptop for your child to work on, or provide other methods of instruction, such as packets or worksheets for your child to complete.
- » You should be part of the conversation about how instruction will be offered to help your child learn while at home. If you don't hear from anyone at your child's school asking if you need supports, reach out to them and ask how your child will receive any school supports that they need to learn while at home. Make sure that your school has current and correct contact information for you.

This is stressful for my family. What if I have multiple children at home or don't have time or resources to support my child?

- » ODE acknowledges and is advising school districts to recognize that families and caregivers are playing a big role in helping kids learn. Your schedule and ability to help your child must be considered as the district develops a plan for helping your child learn over the next few months.
- » As you prepare for a conversation with your school team, it may help to think about **your family's needs and goals** and prepare a **parent input statement**.



Your Family's Needs & Goals

- » It would be good for you to spend some time thinking about the following questions:
 - » What will help you most to get through this crisis in terms of your child's education?
 - » Will it help to have schoolwork for your child to do? Or will that create more stress for your family that is more than you can handle?
 - » What types of schoolwork might be helpful? For example, does your child love doing math worksheets, but not like writing? Do you have an 8-year-old who is just learning to read? Do you have a high schooler who is worried about staying on track for graduation?
 - » Would you rather have work on the computer or on paper for your child?
 - » What are the biggest priorities for your child and your family for the next two months? How does school fit into those?
 - » What are you hoping your child will learn and what skills are you worried about them losing?
- » When you've gathered your thoughts about those questions, contact your Individualized Education Plan (IEP) team or case manager and set up a time to talk or hold a meeting. Try and work with your team to get as close as you can to what makes sense for your child and your family.

Parent Input Statement

- » Our partners at FACT Oregon have a guide on how to write a parent input statement to share with your team: <https://factoregon.org/wp-content/uploads/2020/04/Distance-Learning-Packet-04.14.20.pdf>

What if my child has an IEP? Will they get the instruction they need?

- » It will be especially important for parents and teachers to work together to develop a plan that works.
 - » As much as possible, the school team should provide the instruction as it was written on the IEP. But this may be difficult or impossible to do with distance learning. Even so, IEP teams must consider each child's unique needs when planning for distance learning.
 - » You have the right to suggest changes to your child's distance learning plan if it includes things that you think will not help your child to learn while at home.



- » If there are parts of the IEP that cannot be implemented, the team should meet either virtually or on the phone and discuss the proposed changes. You can also agree in writing to those changes if a meeting is possible or practicable.

Will my child still receive a free appropriate public education (FAPE)?

- » Districts are still required to provide a free appropriate public education (FAPE). But, schools have never been in this situation before. They are having to learn to teach in a whole new way. This process will be bumpy and messy, and we will all have to be very patient.
- » If you think your child is not receiving a FAPE, we encourage you to work with your IEP team to talk about how things are going and what else is possible. If that doesn't work out, read "How do I know if my child should receive compensatory education?"

What if the district cannot provide all of the services listed on my child's IEP?

- » The district must do everything it can to provide your child a FAPE during this time. But, realistically, there may be some services that are not possible or effective through distance learning.
- » If that happens, your child may be entitled to receive compensatory education services for services missed during the distance learning period. (see next question)

What is compensatory education?

- » Compensatory education provides services that the child should have received but didn't. These services can be provided after school hours or during the summer.
- » For example, if your child was supposed to receive speech language services from a Speech Language Pathologist (SLP) but didn't get those services, you can ask the district to provide those services over the summer or twice as many hours during the school year to make up for it.

How do I know if my child should receive compensatory education?

Your child may be eligible for compensatory education services if your child is either not making progress toward their goals even after attempts to work things out with your team or your child is not being provided services listed on their IEP. If this is the case, you can:

My child is not making progress toward their goals:

- » First, meet with your IEP team and express your concerns. See if there are any other ways to help your child make progress toward their goals.
- » If there are no other ways to help your child make progress, tell your team now that you would like to pursue compensatory education services when the stay at home order is lifted.
- » If you can, keep a log of which skills your child has at the beginning of distance learning and what their skill-level is when they return to school.

My child is missing services listed in their IEP:

- » We recommend that you keep a log on your phone or in a notebook of services that your child missed during the next few months so that you can request compensatory education when the stay at home order is lifted.
- » FACT Oregon has a model on how to keep a log: <https://factoregon.org/wp-content/uploads/2020/04/Distance-Learning-Packet-04.14.20.pdf>
- » ODE is working with districts on grants to provide compensatory education services and bridge services over the summer for students who need those. Districts need to apply for these non-competitive grants. You can encourage your district to apply.

My child's three-year re-evaluation is due. Will that happen?

- » A re-evaluation should happen unless the parent and district agree that it is unnecessary. This should be a decision made based on an individualized basis and on the unique needs of the child.
- » If the team decides no re-evaluation is needed, they can review existing data to determine if the child is still eligible for services.
- » If the district decides no evaluation is needed, but you disagree, the district must provide you with notice of that decision and you have the right to request that an evaluation be conducted.
- » Please keep in mind that in order to comply with social distancing requirements for families and school staff, it might be best to come to agreement with your child's IEP team to have an evaluation conducted when your child is attending school in person.



My child's annual IEP meeting is due. Will that happen?

- » Yes. It should still happen, but it will probably be necessary to hold the IEP meeting by video or phone conference. Teams should work together to find a way to hold the meeting that works best for everyone.

My child is on a 504 plan. What accommodations should they get?

- » Both you and your child's teacher should review the current 504 plan and decide if any changes are needed to help your child with distance learning.
- » If changes are needed, you should meet with the school by phone or video to change the plan.
- » You can include language that the changes only apply during distance learning.

Can my high school student earn credit toward a diploma?

- » Yes! Schools should be working with high school students on various ways that they can earn credits toward their coursework.
- » Depending on the district you live in, the student may have some or all of these options:
 - » They can complete online work,
 - » They can complete coursework through equivalent academic assignments to what they would do in the classroom,
 - » They can pass an exam or submit work samples such as Advanced Placement exams or GED exams (General Education Development),
 - » The district may develop its own exam,
 - » The student may be able to complete a portfolio or collection of learning that shows they have learned the coursework, or
 - » Any high school senior in good standing when schools closed will earn a high school diploma and be allowed to participate in any graduation ceremonies offered by the district.



My child receives free and reduced meals. Can they still receive them?

- » Yes! One of the most important things that schools should be focused on is the safety and wellness of students.
- » Students don't learn well when they're hungry. Districts have been instructed to find ways to deliver food to students if they qualify for free and reduced lunch.
- » If you weren't receiving this before the stay at home order, but you think you might qualify now, contact the district to sign up for meals.

Important Links

- » Oregon Department of Education Distance Learning for All Guidance: <https://www.oregon.gov/ode/educator-resources/standards/Pages/Distance-Learning-for-All.aspx>
- » Oregon Department of Education Extended School Closure Special Education Guidance: <https://www.oregon.gov/ode/students-and-family/healthsafety/Documents/Oregon%27s%20Extended%20School%20Closure%20Special%20Education%20Guidance,%20Distance%20Learning%20for%20All.pdf>
- » FACT Oregon, COVID-19 Resources: <https://factoregon.org/additional-covid-19-resources/>

