

National Down Syndrome Congress Educational Resources to Help Guide Decisions Regarding the 2020-21 School Year



The NDSC Policy Team knows that many families are struggling with how to navigate the start of the 2020-2021 School Year. We are unable to provide individualized advice, and there are many differences in state and local policies. However, we hope the following resources will provide insight and a knowledge base as you make decisions for your family. Please realize that your child may be giving up or retaining certain rights depending on what type of schooling you choose. If you have a better understanding of some of the terminology, you can more easily navigate the procedures and systems within your state.

IDEA, or the Individuals with Disabilities Education Act, provides students with disabilities a “**Free and Appropriate Public Education (FAPE)** that is tailored to their individual needs.” The **IEP** or **Individualized Education Program** is the legal document that is created to outline their needs, goals, supports, and educational setting.

The U.S. Department of Education (Department) released this document in March of 2020 that is entitled “[Questions and Answers On Providing Services To Children With Disabilities During The Coronavirus Disease 2019 Outbreak](#)”. It outlines “...schools must ensure that, to the greatest extent possible, each student with a disability can be provided with special education and related services as identified in the student’s IEP developed under IDEA...”. Furthermore page 4 outlines that if students are high risk and remain home, even when their typical school is open, their placement would need to be changed (if absent for more than 10 days) and could potentially be classified as **homebound** instruction. Please note: **homebound instruction** and **instruction in the home** are used by states to mean different things, more info can be found [here](#). Numerous Department guidance documents concerning special education during the pandemic can be found [here](#).

Homebound instruction can be very limited and what is offered varies by state. **Continued distance learning** from home may be more appropriate, depending on your circumstances. If a student continues distance learning, but in-person related services (e.g. speech, occupational, physical therapies) cannot be provided by the district, parents may want to request that the district pay for the private in-person services that the students cannot get from the school at this time. However, getting a district to agree to such a request will be difficult to achieve. If the risk of in-person therapies is too high, the district should be able to provide access to these services via online platforms.

The American Bar Association (ABA) [released an article](#) that outlines how to properly advocate for services when schools re-open, as well as a webinar entitled “Learning for Students with Disabilities in the Time of COVID-19.” This video/transcript will answer many questions you may have, it can be viewed [HERE](#). The panel of experts provide a brief overview of the law protecting students with disabilities during the crisis. They then discuss the challenges and barriers homeschooling and other educational models raise for students with disabilities and educators, and recommend strategies for moving forward.

The Council of Parent Attorneys and Advocates (COPAA) released “[Recommendations on the Provision of FAPE to Students with Disabilities When a Parent Opts to Keep Their Child Home During the 2020-2021 School Year](#)” which outlines the importance of FAPE being upheld no matter if the student is receiving education through **distance, in-person, hybrid or home-based learning**. Another COPAA document discusses compensatory education to make up for any regression the student may have experienced https://cdn.ymaws.com/www.copaa.org/resource/resmgr/docs/2020_docs/copaa_statement_on_compensat.pdf). Keep in mind that these documents are based on the assumption that the students are still enrolled within their local school district.

Homeschool or Home Education Programs are usually taught at home by a parent (referred to as the home education supervisor) and students are not counted in either the membership or school attendance. This is not the same thing as homebound instruction. The term “homeschool” is often misused. True homeschooling means that the parent develops the curriculum (or buys one) and is responsible for teaching it and you have withdrawn your child from the local school district and relinquish your IEP. Essentially, the district is let off the hook for educating your child and parents are responsible for all costs associated with the homeschooling. ***In most states this means your IEP Related Services are terminated, in some states they are not - research this before you make a decision.*** An option to continue therapies and related services would be through private insurance or Medical Assistance if they have it and if teleservices are available during this time. [This blog](#) explains this process well. [This article](#) explains the pros and cons of services while homeschooling. Some parents do a hybrid model with part home-schooling and part school-based services to retain an IEP.

In some cases, a state may classify homeschooling as a private school. A student may then be eligible for a service plan under IDEA, so they would potentially receive related services from the school district, while curriculum instruction would be conducted by the parents. To understand more about how an IEP differs from a service plan, read [here](#). A portion of federal IDEA funding is earmarked to provide additional services for students enrolled in private schools. In states where homeschools operate as private schools, homeschooled students are eligible for services made available with this funding. **However, there is no requirement that this funding be distributed evenly, and no individual disabled student has an individual right to it.** More info can be found [here](#). Some states go beyond the bare minimum mandated by IDEA and require public schools to use state funding to provide services to disabled students attending private schools and/or homeschools. Even in states that do not require public schools to offer services to disabled homeschooled students, individual school districts may choose to offer services anyway depending on funding and availability. Finally, **in some states a homeschooled student with disabilities may become eligible for services if the student’s parents enroll the student in public school part time.** Again, families will need to discuss homeschooling options and implications with their local school district if they are considering this course of action.

Families must make the decision that is best for their child. Please ensure you do adequate research on your state and local school district rules and regulations before making any decisions as this could determine if and how your child receives therapies, services, curriculum and instruction.

More resources regarding online learning can be found [HERE](#).

Check out [Take a Deep Breath-IDEA implementation during COVID-19 school closings](#) webinar done by NDSC Senior Education Policy Advisor, Ricki Sabia, where she discusses guidance issued by the US Department of Education on the provision of services to students with disabilities during coronavirus related school closures. In addition, frequently asked questions about COVID-19 and parent/student rights are answered by COPAA Legal Director, Selene Almazan.

Need more advice based on your state/local policies? We suggest you visit:

The Council of Parent Attorneys and Advocates (COPPA) to find a local attorney/advocate, click [here](#). National Disability Rights Networks (to find your state disability rights organization), click [here](#). Find your local Parent Center [here](#).

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