• Complete your member profile at www.ndsccenter.org

• Keep up-to-date with NDSC – get our E-News, Policy & Advocacy Newsline, Action Alerts, and more

• Stay tuned for our Fall Learning Series, with options for different ages & stages

• Help us continue the conversation as we all strive to do better when it comes to Race Relations - #CountUsIn

BACK TO SCHOOL OR NOT? Understanding Your Options

A partnership with COFAA

Tuesday, July 28
1:00 PM Eastern
School Options during COVID-19

National Down Syndrome Congress/Council of Parent Attorneys and Advocates Family Webinar

July 28, 2020

School Options 2020

- In School
- Distance Learning
- Homebound
- Homeschooling
- Out of District
- Community Based
- Partial Unilateral Placement
- Itinerant Teacher
- Hybrid
In School

- No cost to parent.
- FAPE – Yes, but. Services with cohorting. Teacher/Service Provider Schedules
- Transportation – Yes, but are CDC rules being followed?
- Social Distancing: 3’ or 6’
- Due Process Rights are preserved.
- School needs to guarantee a FAPE.
- LRE – Seriously undermined by cohorting.
- Comp Ed – available but when and how?
- Switching out – should be possible at any time.

Distance Learning

- Funding may depend on state. If there is in-school program, is district required to provide distance learning program for those who opt out?
- Program support is weaker, as we saw.
- No transportation needed.
- Different accommodations needed. May not be provides.
- Need to have IEP to spell out distance learning program.
- If school provides program, should be a guarantee of FAPE and due process rights.
- No contact with peers. No LRE.
- Comp Ed rights remain but will not be delivered during distance learning.
- With all the scheduling difficulties of in-school program, unclear if student can start attending school during semester.
Homebound Instruction

• Covered by State Regulation.
• Applies to the student having a medical condition.
• Does not apply to siblings, parents, grandparents who are at high risk for COVID.
• Regulation generally sets time limit, requires MD note, can be second guessed by school health officials.
• Usually limited to 1-2 hours per day.
• No transportation provided.
• Usually no related services.
• No LRE.
• Probably no comp ed for failure to provide a FAPE.
• No cost to parents.

Homeschooling

• School District totally let off the hook.
• No funding.
• State laws vary widely.
• Some require portfolios and approved curricular material. Others require nothing.
• No special education services, no transportation, no accommodations or modifications, no LRE, no IEPs.
• No claim for comp ed for homeschool program.
• Generally can reregister and start school at any time. Will this change with cohorting and social distancing?
Out of District Placement

District IEP

- If under IEP, school responsible for all costs and for providing transportation.
- Generally, needs to be state approved private special education placement.
- Private school is liable to provide a full FAPE.
- School district liable if no FAPE is provided.
- No cost to parent.
- Private special education placements are almost guaranteed to be self-contained, with no typical peers.
- Change of placement made by IEP Team meeting.

Out of District Placement

Unilateral Parental Placement

- Parent must show district program not appropriate to provide a FAPE.
- If can show inappropriate district IEP, need to show private placement is appropriate.
- Then equities need to support reimbursement.
- Parent needs to provide advance notice at IEP Team or 10 days written.
- Usually resolved with cost-sharing settlement agreements.
- Parent has responsibility for placement, so no IEP.
- Parent purchases whatever supports and related services are needed.
- No comp ed for failed program.
- Parent is not limited to state approved school.
- Can quit private program and go to IEP Team to seek program in public school.
- But, most private schools want all their money up front with no refunds.
Home/Community Based Program

- Rarely agreed to, but not impossible.
- Parent designed program, funded by school district.
- Usually done under an IEP, with goals and objectives.
- Highly individualized to meet needs of student.
- Details need to be negotiated with school team.
- Can provide vocational, community access, and independent living skill support.
- Needs to provide a FAPE.
- Probably need certified professional to oversee program.
- Most successful for students with extreme needs.

Partial Unilateral Placement

- Parent says IEP is incomplete. Additional services needed to provide a FAPE.
- Parent provides 10 day notice seeking reimbursement.
- Useful if district fails to provide needed related service.
- Can be especially useful when district staff refuses to provide in-person services due to COVID.
- Usually resolved through negotiated agreement.
- If district refuses to agree, need to show that IEP does not provide FAPE at hearing.
- Better to start process with good faith discussions, not threat of litigation.
Itinerant Teacher/Service Provider

• * Up until now, schools have looked at binary choice between in school instruction and distance learning.
• * There are a variety of other options.
• * With a distance learning program, school staff can do home visits, with appropriate precautions.
• * Especially useful for related services.

HYBRID MODELS

This is a time for creativity and cooperation. School districts are as flummoxed as parents are in how to proceed. We can create a safe modality to provide a free appropriate public education.

Try to work with your school district before asserting legal rights.
Andrew A. Feinstein, Esq.

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COUNTDOWN to K

presents

HOMESCHOOL / HYBRID SCHOOL

Understanding Your Educational Options
Our Personal Journey
TRADITIONAL SCHOOL

• 5th grade ESE classroom with Access Point Curriculum
• IEP – team meets annually (or as needed to revise)
• Florida Standards Alternate Assessment (FSAA)
• Related services – Speech/Language Therapy and transportation
NON-TRADITIONAL HOMESCHOOLING

MAXIMUM BENEFITS WITH MAXIMUM EFFORTS

• SOCIETAL PERCEPTIONS
• CULTURAL NORMS
• BREAK IN TRADITION

WHAT IS ‘HYBRIDSCHOOL’?

• A blended model of traditional education on a physical campus and education at home
• IEP/IFSP remains intact
• Best aspects of each model
• Real world application without constraints
IDENTIFY TARGET ACTIVITIES & ASSESS INTERESTS

- MOTIVATORS
- DISTRACTORS
- UNIQUE IDENTIFIERS
- LEVEL OF INDEPENDENCE
- FAMILY DYNAMIC

ISOLATED BY CIRCUMSTANCE

- Becoming separated by virtue of inaccessibility of a needed resource, location, or social constraint
VIRTUAL DYNAMIC

ACCEPTANCE

ACCESS TO RESOURCES

SEEKING ASSISTANCE
DISCIPLINE

FORM A PLAN

CHANGE AS NEEDED

FOLLOW THROUGH

CONSISTENCY IS KEY

MAKING WORKSHEETS AND SUPPLEMENTS

• What skills are you working on?
  – Fine/gross motor skills (e.g. pincer grasp, writing, multi-step tasks, etc.)

• What materials do you need?
  – Ask teachers for surplus items

• How will you use these materials?
  – Visual or hands-on

• Where will you purchase them?
  – Online or brick and mortar
• https://www.facebook.com/countdowntok/videos/3328742343824579/
• **EMBRACE THE UNCONVENTIONAL**
  — Don’t be afraid to go against the grain

• **KEEP AN OPEN MIND**
  — You are stronger than you think

• **TAKE YOUR TIME**
  — Parent in the present

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