



The Consortium for Citizens with Disabilities Education Task Force

Statement of Principles for Elementary and Secondary Education of Students with Disabilities During the COVID-19 Pandemic

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As the COVID-19 pandemic continues, the health and safety of all students, families, and educators must be the first priority. Every student and educator who chooses to return to in-person learning must have adequate access to personal protective equipment and other COVID-19 transmission mitigation measures and have the support and training necessary to feel safe in their school. Regardless of where educators and students are teaching and learning—in person, virtually, or in a hybrid setting—schools must ensure students with disabilities have the same instructional and other opportunities as students without disabilities, and to be provided with disability-related accommodations and services if necessary to ensure equitable access in the same range of instructional settings offered to nondisabled students. Districts must continue to provide high-quality educational opportunities and access in line with federal laws, and must meaningfully collaborate with families to provide students the best opportunities for success. The principles below outline these core tenets and offer recommendations for how to safely and responsively support educators, students, and families as the pandemic continues.

Students with Disabilities Maintain their IDEA and other Civil Rights Protections. All students with disabilities have the right to attend a high-quality public school that meets their needs while maintaining all of their rights under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act (ADA), as recently affirmed by the U.S. Department of Education. They must be provided a free, appropriate public education (FAPE) and maintain their rights to an individualized education program (IEP) implemented in the least restrictive environment (LRE) as required by the IDEA. Students with disabilities also remain entitled to reasonable accommodations necessary to ensure access to equal educational opportunities provided to students without disabilities. Therefore, CCD believes that critical COVID-19 relief funds -- as all other federal education funds -- should remain in public schools and should not be diverted to programs or schools that are allowed to deny students with disabilities their rights under IDEA and other civil rights statutes.

Educators and Families Should be Ensured Equitable Opportunity to Safely Access Different Instructional Settings. CCD believes that most students with disabilities are better off academically, socially, and emotionally when they are physically present in school. However, until the pandemic ends,

some students will not be able to safely return to school buildings due to their disabilities, and families of students with disabilities must be provided the same opportunities as students without disabilities to access instruction in different settings, including in school buildings, remotely, or in hybrid settings. Students must also be able to continue to access instruction and assessment safely from home even when a school district has decided to shift instruction and assessment back to school buildings.¹

- Many students with disabilities have conditions that place them at higher risk of harm from COVID-19, and their health must be paramount. Due to their disabilities, many such students cannot mitigate that risk by wearing masks or maintaining six feet of physical distance from others.
- Each family has unique and personal circumstances which merit flexible options that meet their needs. This could include families who live in multi-generational households where family members may be at higher risk of illness. It also includes families who are Black, Indigenous, or people of color (BIPOC) who have less access to vaccines or health care or who are choosing not to receive a vaccine for any reason.²

To be clear, where students must remain in virtual instructional settings due to disability or health-related concerns, schools must continue to provide FAPE in the least restrictive environment³ to students that includes high-quality remote or virtual learning opportunities as well as required services and other supports in accordance with IDEA.⁴ Schools are also required to provide reasonable accommodations, including safe in-person supports if necessary under the ADA, to ensure students with disabilities have equal access to virtual instruction and other remote educational opportunities.

Meaningful Information is Needed for Families to Make Decisions About in Person, Remote, or Hybrid Schooling. Clear information on safety measures, the format and frequency of instructional and related services and accommodations in different settings is essential for families to determine which setting will best meet the student’s individual special education and disability-related service and support needs. To ensure equal access and equal opportunity, schools must make sure students have the tools and supports they need to effectively participate in remote learning platforms. Regardless of which instructional setting a parent chooses for their student, the student must be provided FAPE in accordance with the requirements of IDEA. Students must also be provided reasonable accommodations to ensure they can access the same educational opportunities offered to nondisabled students, including in-person supports if they are necessary for a student to access remote learning platforms.

¹ U.S. Department of Education (February 22, 2021). “[U.S. Department of Education Releases Guidance to States on Assessing Student Learning During the Pandemic.](#)”

² Mastroianni, B. (2020). Why Some Black and LatinX People Are Reluctant to Get the COVID 19 Vaccine. Healthline. Available at: <https://www.healthline.com/health-news/why-some-black-and-latinx-people-are-reluctant-to-get-the-covid-19-vaccine>

³ National Association of State Directors of Special Education (n.d.) “[Least Restrictive Environment in the Wake of COVID-19: A Brief from the National Association of State Directors of Special Education.](#)”

⁴ Opting out of in-person learning during the pandemic does not constitute homeschooling, and districts retain their obligations to provide FAPE in accordance with IDEA. For more information, see: National Association of State Directors of Special Education (n.d.) “[Remote Learning vs Homebound vs Homeschool: Helping Education Leaders and Communities Identify the Key Differences.](#)”

Closing the Digital Divide is Essential to Reaching all Learners and Providing FAPE and Equitable Access.

Nearly one-third of students with disabilities are living in poverty.⁵ In 2017, it was estimated that 12 million children did not have access to broadband internet at home. Since then, many districts have taken steps to close the digital divide by providing internet connections and devices to students and families. However, even one year after the onset of the pandemic, it is estimated that between 1 and 3 million students are still missing from school and are not connected, either virtually or in person. Districts must continue to prioritize closing this gap, particularly in BIPOC communities and in schools that serve a high concentration of students from low-income backgrounds. However, more is needed. Simply providing technology and internet access is not sufficient to ensure students can participate meaningfully in virtual learning. Some families may need training in digital literacy and using assistive technology in order to support their children. In addition, even where technology enables access to service providers, certain specialized instruction and related services, such as occupational therapy,, might require the assistance or involvement of a parent or a district-provided paraprofessional. Students with disabilities, including students from low-income backgrounds and students who are BIPOC, may have parents who are essential workers or otherwise not able to facilitate student learning at home. Districts should reach out to families to understand existing barriers to accessing and engaging in learning and should invest in community-led and community-based efforts to support students.

Frequent Communication and Collaboration Between Parents and Schools is Essential for successful In Person, Remote, or Hybrid Schooling. Under the Individuals with Disabilities Education Act (IDEA) and Section 504 parents are rightfully viewed as essential members of a child’s Individualized Education Program (IEP) and Section 504 Plan. Frequent and collaborative communication is more important than ever. Students will be best served when schools and families work together in support of the child. Such communication must be in the language and mode of communication of the parent(s), and in easily-understood language, so that parents can be effective partners in educational decision-making. Schools should also prepare for compensatory education and recovery services,⁶ including through sending out data collection guides to families to keep track of loss of skills for future use. Behavioral support plans should also be updated before and after schools reopen.

Prioritize the Mental, Physical, and Social Emotional Health of Students with Disabilities and School Personnel. The pandemic's traumatic effects on students and educational staff will be recognized for years and should be proactively addressed through supports in all schools and communities. As students with disabilities return to in-person learning environments, many may experience increased service needs to adapt to a changed school environment. Schools should anticipate and be prepared to meet increased behavioral needs, respond to any trauma and support students in an appropriate, strength-based manner and with evidence-based, culturally affirming, and trauma informed practices and programs. This can include school-wide frameworks such as positive behavior interventions and supports or restorative practices. It is critical that when social, emotional and/or safety concerns arise, that students' needs be addressed in an individualized, positive manner, that supplementary aids and

⁵ Enwefa, R., Enwefa, S. & Jennings, R. (2006). “Special Education: Examining the impact of poverty on the quality of life of families of children with disabilities.” *The Forum on Public Policy*. Available at: <https://files.eric.ed.gov/fulltext/EJ1098449.pdf>

⁶ Council of Parent Attorneys and Advocates (2020). “[FAQ on Compensatory Education in the time of COVID-19](#)”

services, and staff training and support. Exclusionary discipline, such as removal from school or segregation from peers, should not be used. It is well documented that exclusionary discipline practices disproportionately impact BIPOC students and students with disabilities.⁷ Districts should closely examine their discipline policies and suspend the use of any exclusionary actions. Where students have difficulty adhering to safety requirements, schools should take additional measures to protect the safety of educators and students.⁸ This might include both increasing the use of personal protective equipment for educators and students who will come in close contact as well as building student skills to adhere to these new rules through the use of social stories, practicing mask wearing, and collaborating with parents to use strategies at home. Students with disabilities must not be segregated online or in-person, removed from school, or denied access to the instruction, services, and access accommodations to which they are entitled under IDEA, 504, and Title II of the ADA.

Support high-quality professional development for school personnel on critical matters, such as remote teaching, use of assistive technology, accessible materials, and formative assessments. The remote instruction currently provided in many states and school districts has highlighted a need to invest in educators, specifically in the areas that have the potential to transform education post-pandemic. This includes the increased use of online learning, assistive technology, and formative assessments to guide instruction to student learning.

Increased Funding is Needed for Safe and Effective In Person, Remote, or Hybrid Schooling. CCD urges significant increases in elementary and secondary education as well as increased dedicated funding for IDEA and related services. We call for increases to all parts of IDEA that are at least commensurate with stimulus funding that was provided in the American Recovery and Relief Act of 2009 following the 2008 economic crisis. Additionally, we urge Congress to provide additional funding for Parent Training and Information Centers to increase their capacity to support families during this time. Finally, funds provided by Congress to address instructional loss must be targeted to address the learning needs of students with disabilities.

American Council of the Blind
American Foundation for the Blind
American Music Therapy Association
American Printing House For The Blind
American Speech-Language-Hearing Association
Association of People Supporting Employment First
Association of University Centers on Disabilities
Autism Society of America
Autistic Self Advocacy Network
Bazelon Center for Mental Health Law
Brain Injury Association of America

⁷ U.S. Department of Education Office for Civil Rights (2016). "[2013-2014 Civil Rights Data Collection: A First Look.](#)"

⁸ U.S. Department of Education Office for Civil Rights (September 28, 2020). [Questions and Answers for K-12 Public Schools In the Current COVID-19 Environment.](#)

Children and Adults with Attention-Deficit/Hyperactivity Disorder
CommunicationFIRST
Council for Exceptional Children
Council for Learning Disabilities
Council of Parent Attorneys and Advocates
Disability Rights Education & Defense Fund
Easterseals
Higher Education Consortium for Special Education
Learning Disabilities Association of America
National Association of Councils on Developmental Disabilities
National Association of School Psychologists
National Center for Learning Disabilities
National Center for Special Education in Charter Schools
National Disability Rights Network
National Down Syndrome Congress
National Center for Parent Leadership, Advocacy, and Community Empowerment
RespectAbility
School Social Work Association of America
Teacher Education Division of the Council for Exceptional Children
The Advocacy Institute
The Arc of the United States

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The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The Education Task Force monitors federal legislation and regulations that address the educational needs of children with disabilities and their families, including the Individuals with Disabilities Education Act (IDEA) programs. The Education Task Force advocates for enhanced opportunities for children under these laws.