

YOUR CHILD'S RIGHTS TO SPECIAL EDUCATION SERVICES DURING COVID-19 IEP MEETINGS



As schools in Delaware push educational services into the home, parents and students with disabilities are adjusting to a new routine. The following information is being provided to assist families as they plan for and transition their child's special education needs and related supports into the home.

CAN AN INDIVIDUALIZED EDUCATION PROGRAM ("IEP") MEETING BE HELD DURING COVID-19?

Yes. IEP meetings may still be held despite school building closures and will likely be held either by video or phone conference. Even during this crisis, a school is still obligated to provide you with "procedural safeguards" including meeting notices and prior written notices ("PWN") (the document that tells you what the school is proposing to do/not do, before changes take place).

CAN I REQUEST AN IEP MEETING?

Yes. You always have the right to request an IEP meeting at any time if you believe the IEP needs to be modified or that the services received under the IEP need to be discussed. When possible, we recommend making the request in writing, such as by email, to the educational diagnostician and/or school administrator.

WHAT SHOULD I DO IF THE SCHOOL SCHEDULES AN IEP MEETING?

The school may wish to hold an IEP meeting to make changes reflecting how services will be provided during the school closure. You, as the Parent/Guardian, have the right to attend the meeting and to agree, or disagree, with a proposed change to your child's IEP or the way IEP services are delivered.

- Be cautious about and carefully review any changes that either reduce or remove services from your child's current IEP. We suggest that you ask the IEP team to clarify, in writing, that any changes in the delivery of the IEP services during COVID-19 are on a temporary basis and that you do not waive your child's rights to the missing or reduced services.
- If you agree to changes to the IEP, you can request that the school add language to the PWN or IEP expressing that you are only agreeing to changes in how the IEP services are delivered until school resumes normal operations, and that the removed, reduced or otherwise modified services be provided according to the IEP that was in place prior to the COVID-19 crisis, once normal operation of school has resumed.
Example: if your child's IEP calls for 1 hour of Physical Therapy (PT) services weekly and the IEP team determines that PT services cannot be delivered remotely, you may agree to suspend the PT services until normal operation of school resumes and that lost PT services will be made up at a later date.
- Discuss with the IEP team whether the service can be provided in a different format rather than reducing or removing the service.

CAN THE IEP BE CHANGED WITHOUT AN IEP MEETING?

If you and the school agree, changes to your child's IEP can be made in writing. This would be through the development of a written document that would amend or modify your child's current IEP.

IF YOU HAVE ANY QUESTIONS ABOUT THE ABOVE INFORMATION OR YOUR CHILD'S RIGHTS TO SPECIAL EDUCATION SERVICES DURING COVID-19, YOU CAN CONTACT THE DLP OF CLASI OR THE PIC OF DELAWARE.



DISABILITIES LAW PROGRAM (DLP) OF COMMUNITY LEGAL AID SOCIETY INC. (CLASI)

New Castle County:
(302) 575-0660
100 W. 10th Street, Suite 801
Wilmington DE 19801*

Kent County:
(302) 674-8500
840 Walker Road
Dover, DE 19904*

Sussex County:
(302) 856-0038
20151 Office Circle
Georgetown, DE 19947*

TTY: 302-575-0696

www.declasi.org

** Offices are closed to the public during COVID-19 closures; staff continue to work remotely.*



PARENT INFORMATION CENTER OF DELAWARE (PIC)

New Castle County:
(302) 999-7394

Kent/Sussex County:
(302) 856-9880

Toll Free:
888.547.4412 (toll free)

Email: picofdel@picofdel.org
<https://picofdel.org/>