



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

**Education Task Force
Statement of Principles for In Person, Remote, and Hybrid Elementary
and Secondary Education During the COVID-19 Pandemic**

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) in the least restrictive environment (LRE) as required by the IDEA. Therefore, CCD believes that critical Covid relief funds 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. Federal education funds must remain in public schools and must not be used for any voucher or voucher-like programs (including but not limited to traditional vouchers, education savings accounts, tuition tax credits/scholarships).

When Schools Decide to Physically Open, Families Must be Given the Choice of Remote Education for their Children with Disabilities in the Same Manner as All Other Families. CCD believes that students with disabilities are better off academically, socially, and emotionally when they are physically present in school. However, many students with disabilities have complex medical issues that place them at higher risk of harm from Covid-19 and families have unique circumstances which merit flexible options. Further, students with cognitive and/or mental health/behavioral disabilities should be supported to be able to observe rules such as consistent mask-wearing and physical distancing. No student with a disability should be deprived of special education and related services because the student's family and/or physician does not think it safe to return the student to the school building.

Meaningful Options are Needed for Families to Make Decisions about In Person, Remote, or Hybrid Schooling. Clear information on the type and frequency of instructional and related services to be provided under each option is essential for families to decide which option best meets the student's individual special education

and related service needs. Schools must also make sure families have the tools they need to participate in remote learning platforms.

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. For parents to maintain their essential role during the challenging 2020-21 school year, frequent and collaborative communication is more important than ever. 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. Students will be best served when schools and families work together in support of the child.

All Personnel Working with Students with Disabilities Must Be Fully Qualified and Certified to Provide the Services Required by the IEP, including Special Education Teachers, Instructional Support Personnel and Early Intervention Providers. Specialized services require specialized personnel with unique research-based knowledge and skills in order to ensure positive outcomes for students with disabilities.

The Mental, Physical, and Social-Emotional Health of Students with Disabilities Should be Met Through Evidence-based Positive Interventions. As students with disabilities return to learning in the fall of 2020, many may experience increased service needs to adapt to a changed school environment. Schools should anticipate and be prepared to meet increased behavioral needs and support students in an appropriate, strength-based manner and with evidence-based and trauma informed practices and programs. It is critical that when safety concerns arise, that students' needs be addressed in an individualized, positive manner, that supplementary aids and services, and staff training and support, are provided before students are removed from school or segregated. Punitive, exclusionary actions must not be taken to address fears that a student will be unable to comply with COVID safety requirements. Students with disabilities must not be proactively segregated or removed from school due fear that their disabilities will cause them to be unsafe in the school environment.

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 Reinvestment Act of 2009 following the 2008 economic crisis

American Council of the Blind
American Foundation for the Blind
American Music Therapy Association
American Speech-Language-Hearing Association
Association of People Supporting Employment First
Autism Society of America
Brain Injury Association of America
Children and Adults with Attention-Deficit/Hyperactivity Disorder
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
National Association of Councils on Developmental Disabilities
National Center for Special Education in Charter Schools
National Disability Rights Network
National Parent Leadership, Advocacy, and Community Empowerment
RespectAbility
School Social Work Association of America
The Advocacy Institute
The Arc of the United States