**Safe Access to Quality Education During the Pandemic**

This school year, districts in the state, students, families, teachers and school personnel have experienced many challenges. Issues have arisen from the ability to follow safety protocol to school plans and communications, access and education on use of technology and adaptive equipment for virtual school, access to IEP evaluations and services set forth in the IEP, resumption of related services and more.

All current federal guidance indicates that, even during COVID-19 stay-at-home orders, schools still need to provide students with disabilities an education that a) is individualized and b) ensures they make appropriate progress.

In 2021, due to the rising cases of COVID-19 across the state, many local education agencies (LEAs) are implementing their continuous learning plans (CLPs) to ensure students continue to receive instruction during this time. As a reminder, none of the LEA requirements of the Individuals with Disabilities Education Act (IDEA) have been waived. In January, the Tennessee Department of Education issued an important memo regarding the provision of special education services during this time. This includes:

* The LEA must continue its child find efforts in accordance with state and federal law, **including the provision of general education interventions** (e.g., Response to Instruction and Intervention) to determine whether a student is suspected of having an educational disability, including a specific learning disability (SLD).
* Federal guidance requires that districts make all reasonable efforts to complete transition-related activities for children with disabilities who have turned three years old, including evaluation, determining eligibility, developing and implementing an Individualized Education Program (IEP) for those eligible.
* LEAs are still required to complete all initial evaluations initiated in the 2020-21 school year within 60 calendar days from the time of initial consent.
* The LEA must implement student IEPs, including those for preschool-aged children, as they are written, regardless of whether a student is participating in remote or in-person instruction unless there is written agreement by the IEP team, ***including the parent,*** to implement a contingency plan during periods of remote learning. If a student is unable to access services remotely, the IEP team should convene to determine how the LEA will continue to provide a Free and Appropriate Public Education (FAPE).
* Compensatory services are services that should be provided to a student to elevate him or her to the position he or she would have otherwise occupied had the services not been delayed. It is important during periods of remote instruction that appropriate documentation is maintained in the student’s file to inform decision making related to the need for compensatory services.

It's important for students and families to know your rights. More information from the state department of education about special education during the pandemic is available at: <https://www.tn.gov/education/student-support/special-education/special-education-and-covid-19.html>

Questions? Contact one of our partners in education for assistance or call us at: 615-383-9442

