



TERMINOLOGY

What is the difference between online, virtual, remote, homebound and homeschool options?

These terms, unfortunately, are being used differently by different school districts, so please check with your school district as to their exact definitions of these terms. Generally speaking, "online" is a term that refers to educational opportunities being offered online as opposed to in a brick and mortar building.

Some districts are distinguishing between remote learning and virtual learning in this way: "remote" learning is what happens if a district or school that has been open for school suddenly needs to close its school buildings and provide education online, while "virtual" learning often refers to a district's online program that students might select rather than going into the school's building. But again, please check with your district, as these are not uniformly defined terms, and are used differently by different districts.

"Homebound instruction" is when a student with an IEP is unable for medical reason to attend school. IEP teams meet to discuss the services that will be provided in the home setting to a student receiving homebound services. Tennessee law requires a letter from a physician, psychiatrist or psychologist to justify a homebound placement. The IEP team must meet regularly to determine whether the student continues to meet the requirements for homebound instruction.

"Homeschool" is when a student is not enrolled in his or her public school but educated by his or her parents. In Tennessee, homeschooled students must either be registered as a homeschool student through their school district, or through an umbrella homeschool program. Students who are homeschooled do not have the same special education rights as students enrolled in public school.

QUESTIONS RELATED TO IN-SCHOOL EDUCATION

1. If my child attends school, but cannot wear a mask, what can I do?

Please contact your school district's special education department to ask what options are available for students who cannot tolerate masks.

2. If my child attends school and their IEP provides for time in the general education setting, and the school says that they need to stay in the special education setting, what can I do?

Covid-19 has not taken away your child's right to receive a free, appropriate public education (FAPE) or the school district's obligation to implement your child's IEP in his or her least restrictive environment (LRE). If this is happening with your child, request an IEP meeting in writing (The school must convene a meeting within 10 school days of your written request.), and discuss your concern at the meeting. See question 14 for options if the district insists that your child cannot attend his or her general education classes.

3. If my child is attending in-person school and their IEP states that they will be in the general education setting for the majority of the day, but I do not want that due to Covid-19 concerns, what should I do?

If your child's IEP states that he or she will be in the general education setting, but you decide for safety reasons, you do not want that for this school year, or for a portion of the school year, you should ask for an IEP meeting to amend the IEP. It is critically important that your reason for requesting this IEP change is well documented in both the IEP and the post-meeting prior written notice, and that you make it clear to the district that when the Covid-19 threat has passed, you want your student included again in the general education setting, just as they were previously.

4. If we choose the "in school" option, but school is cancelled due to increasing Covid cases, will my child still get speech therapy and OT? (See answer to Question 6 below)

5. If our child is exposed to Covid, it's my understanding that the school will mandate a 14-day quarantine at home. Do those days count as absences?

Absences due to a Covid-19 exposure should be excused. This issue is addressed by some counties on their websites (links to some of these provided in the 7/29/20 Advocate Newsletter).

QUESTIONS RELATED TO VIRTUAL/REMOTE LEARNING

6. If I choose the virtual option for my child, how will his IEP be implemented?

Both the federal and state departments of education have told school districts that they need to develop contingency plans for students who opt for virtual or remote instruction (as opposed to physically attending school). These contingency plans should lay out how the supports and services in your child's IEP will be provided and should be developed by your child's IEP team, with input from everyone, including you. At this point, different school districts have announced different plans for the development of contingency plans. Some have stated that they plan to include parents in the planning and development of the plans, and others have stated that they will develop it themselves and then share with parents. **DSAMT strongly advises families to reach out to their school district and request a meeting to develop a contingency plan.**

7. If my child is doing virtual, remote or online learning, are they expected to sit in front of their computer for 6.5 hours each day?

Again, this is going to look different in different districts, but your child does not have to sit in front of the computer for 6.5 hours per day. Please check with your school district regarding the expectations for number of hours students will work each day. If your child cannot tolerate the number of hours expected, then please ask for a meeting to develop a Contingency Plan so that it can be documented that your child will only work up to their capacity.

8. Could we have our child's aide/paraprofessional come to our house for virtual learning?

DSAMT believes that IEPs should be fully implemented during Covid-19, whether the student is attending school or learning virtually. Some students may have supports like a 1:1 paraprofessional or behavior supports written in their IEP. Many districts in Tennessee have stated that they will not be providing these services in the home setting, due to safety reasons. However, for families who need/want to choose virtual learning and who need these supports in order to access the curriculum and make progress on his/her goals, we recommend that you request an IEP meeting, asking that these supports be provided in the home along with the reasons for your request. If your request is denied, you have the option to challenge that decision through a state administrative complaint, a request for a due process hearing, or a request for mediation.

9. **If we opt for online school because of health concerns with the number of potential exposures each day, can the school flex their school day and provide a couple of hours of direct instruction after the typical school day?**

This is a district-specific question. It is unlikely that a school would provide instruction to students after the school day has ended, but some districts have indicated that even for students receiving virtual instruction, coming into the school building for direct instruction or related service provision will be an option. Please check with your school team on this.

MISCELLANEOUS QUESTIONS

10. **What are compensatory services and how do I get them for my child?**

Compensatory Services are services that are provided to students when some services have not been provided. More specifically, they are defined as services needed in order to bring a child up to where he or she would have been had they received the services. The federal department of education stated in March that school districts that closed in the spring would be obligated to provide compensatory services to students with disabilities. This is shaping up to be a complicated issue, and school districts are handling this issue in a variety of ways. For more information on compensatory services, review the article at the link below:

https://cdn.ymaws.com/www.copaa.org/resource/resmgr/docs/2020_docs/copaa_statement_on_compensat.pdf

11. **My child needs to be evaluated; can the school district do this without actually seeing her/him in person?**

Some evaluations can be done virtually, but some cannot. Check with your school district to see how they are handling evaluations in light of the pandemic.

12. **If I find an ABA center that would could serve my child during this time, can he still be enrolled in school (online learning is not going to work for him)?**

You will need to confer with your school district regarding this question. Some districts are offering hybrid arrangements where students attend school part-time and work from home the rest of the time. Under that scenario, you could likely pair the in-person schooling with the ABA center/clinic time. We would encourage you to think creatively and to try to come up with solutions that will best serve your child.

13. If I choose "homeschool," can my child still access services like occupational and speech therapy?

It is important to understand, first and foremost, that if you withdraw your child from public school and decide to homeschool him/her, the school district is no longer obligated to provide your child with a free, appropriate public education. Under IDEA, however, school districts may offer service plans to students not enrolled in public school. A service plan can include services like occupational and speech therapies. If you have decided to homeschool your child and are interested in receiving services through a service plan, contact your district's special education department and request a meeting to discuss a service plan.

14. What options do I have if after our IEP meeting, I still feel the IEP is not being followed or FAPE/LRE are not being provided?

An administrative complaint with the State of Tennessee, a request for mediation or filing for a due process hearing can be made. Contact us at DSAMT if you have questions about these options.

15. If I still have questions and want to talk to someone at DSAMT, how do I contact Erin Richardson?

The fastest and easiest way to get your school advocacy questions answered is always through DSAMT's website request: <https://dsamt.regfox.com/advocacy-intake-form>.