

## How Will Schools Provide Special Education During the Coronavirus Crisis?



Sarah Marton, a paraprofessional at Niles Township District for Special Education in Illinois, talks with her 8th grade son Cooper Marton, as he does school work at his computer at home in Chicago. Illinois Gov. J.B. Pritzker's executive order closes all kindergarten through 12th grade schools—public and private—"for educational purposes" from March 17 through March 30.

—AP Photo/Nam Y. Huh

**By Corey Mitchell**

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With a pandemic pressing tens of thousands of the nation's school districts into extended closures, special education administrators across the nation are wrestling with a weighty dilemma: how to provide services to students with disabilities.



Federal law mandates that individuals with disabilities have an equal opportunity to participate in everything schools provide—including online learning.

But a mix of factors—lack of clarity in state laws, unclear guidance from the U.S. Department of Education, and a reluctance to run afoul of federal law—has left some school districts struggling to get their online learning programs off the ground.

Uncertainty has handcuffed some districts, forcing them to shut down their online learning operations, at least temporarily.

The Northshore School District in suburban Seattle—a hotspot in the national coronavirus outbreak—managed to roll out its districtwide distance learning plan for 25,000-plus students ahead of a mandatory five-week statewide shutdown.

In the weeks since campuses closed there, staff got thousands of tablets and hundreds of internet hotspots into the hands of students—only to suspend operations because school leaders fear they could be in violation of state and federal mandates for providing equitable services.

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In a video message released Tuesday, Kenneth Marcus, the education department's assistant secretary for civil rights, said: "Online learning is a powerful tool for educational institutions as long as it is accessible for everyone. Services, programs, and activities online must be accessible to persons, including people with disabilities, unless equally effective alternate access is provided."

Districts face the potential loss of federal funding if they fail to provide accommodations for students with disabilities. They also face the risk of complaints, and potential legal action, from parents and disability rights advocates for running afoul of federal civil rights laws.

"The first things [schools] are thinking of is 'Are we going to get ourselves in trouble?'" said Phyllis Wolfram, the executive director of the Council of Administrators of Special Education.

But the situation is a Catch-22: Districts could face the same issues if they refuse to do anything at all.

"We've paused for a moment," said Northshore schools Superintendent Michelle Reid. "We have to learn to navigate the rules and regulations that were written for a time we're not in any longer. There is no written guidance that frees us from penalties."

The Council of Chief State Schools Officers and other organizations have called on the department to clarify how districts should proceed, but for now, many district and state leaders are trying to make sense of the current guidance.

"A lot of people are looking for very specific directions," said Erin Maguire, who oversees special education services for the Essex Westford, Vt., schools. "There's confusion and that's probably to be expected given the crisis we're in."

Distance learning in Maguire's district is set to begin Monday.

That confusion has laid bare a troubling opportunity gap: Many schools that tout 21st century learning opportunities struggle to provide those opportunities for all students.

Online learning is "a fairly complex arena for all K-12; for students with disabilities there are additional layers," said Sean Smith, a professor of special education at the University of Kansas, who served as one of the principal investigators for the Center on Online Learning and Students with Disabilities. "It's a rude awakening for our teachers and education leaders."

### **Lack of Guidance Not New**

The federal education department has known for years that states have struggled to develop remote learning policies for students with disabilities.

A 2016 report from the now-shuttered Center on Online Learning and Students with Disabilities, a federally funded research collaborative, found that 38 states lacked clear guidance or policies on who should provide special education services in an online school setting.

The situation has not improved much in the years since, said John Eisenberg, the executive director of the National Association of State Directors of Special Education.

The current guidance is "probably not getting down to the level of instruction and the challenges that parents, teachers, and students face," said Smith, the University of Kansas professor.

The new reality has left some districts scrambling to find resources and train staff before they can even begin efforts to teach students online—and those are just the states that have action plans.

"This crisis has triggered a re-examination of options. Some places think [online learning] is too hard to do for students with disabilities," Eisenberg said. "But that's not the message we want to send to the country."

The Philadelphia school district, which educates more than 200,000 students, will not offer remote instruction during its two-week coronavirus shutdown, because many students lack equal access to technology.

"That's a panic response," said Denise Marshall, the executive director of the Council of Parent Attorneys and Advocates, a disability-rights advocacy group. "We shouldn't give districts a pass. We need them to stand up and say what they need."

### **'Uncharted Waters'**

The Council of Chief State School Officers has urged the federal education department to provide clarity on special education equity for students with disabilities in an online environment, CCSSO Executive Director Carissa Moffat Miller said this week.

"The guidance that came out, there is some interpretation about that being fairly limiting and causing confusion," Moffat Miller said on a call with reporters Wednesday.

A spokeswoman from the U.S. Education Department said the agency expects to release additional guidance on issues such as special education in "coming days."

"Online learning is not an ideal experience," said Reid, the Northshore schools superintendent. "So let's extend grace to school districts as we work really hard to provide sound educational experiences for all of our students. We cannot allow perfection to be the enemy of any kind of progress."

Now that schools are closed for weeks in many parts of the country, states must also provide guidance to schools on a host of special education issues. Among them are how to comply with deadlines to determine student eligibility for special education services and with mandates governing Individualized Education Program hearings.

"We can't undo federal law," Wolfram said. "Schools are facing challenges they've never faced before and we're in very uncharted waters."

*Staff Writer Evie Blad contributed to this report.*