

YOUR RIGHTS	LANGUAGE FROM MD. STATE DEPT. OF EDUCATION GUIDANCE	HOW TO USE IT
1. Your child does not have less rights to specialized instruction because of COVID.	<i>COVID “does not [limit] the rights of students with disabilities to a Free Appropriate Public Education (FAPE) and equal opportunity to educational services as their non-disabled peers...”</i>	<ol style="list-style-type: none"> 1. Schools cannot simply provide <i>less</i>. There has to be a reason why something cannot be provided because of the virtual environment. 2. Students are still entitled to all of the pull-out and push-in services hours the IEP calls for unless it’s impossible to provide it. (Staffing shortages is not a good enough reason.)
3. The <u>legal standard</u> during COVID closures:	The school system “ <i>must provide <u>equitable access to comparable opportunities</u> to students with disabilities, tailored to their individual needs, <u>to the maximum extent possible.</u></i> ”	<ol style="list-style-type: none"> 3. Schools must find ways to provide the supplementary aids and accommodations in the IEP because that is what the team determined your child needed.
3. You have a right to disagree with any changes to the IEP for distance learning. This disagreement must trigger an IEP meeting.	The school must “develop a written document to amend the IEP.” “If an agreement cannot be reached with the parent about how a FAPE will be provided ... <i>the IEP team should be convened by teleconference or other means to address the student’s need.</i> ”	<ol style="list-style-type: none"> 1. If you disagree with the amendments, request an IEP team meeting. 2. Consider the help of an education advocate or an attorney to attend with you. 3. At this meeting, go through each accommodation and have them articulate how something will be provided virtually. Implementation of a student’s accommodations will make a big difference in their success.
4. Your child is entitled to all the IEP accommodations and modifications they need to be successful during virtual learning.	<i>The school “must consider how current accommodations and modifications are provided in a physical classroom setting (e.g., extra time, redirection, small group, etc.) and what this would look like in a virtual environment to ensure educational benefit to each student. ... [A]ccommodations may be met... by providing individualized telephone or video conferencing.”</i>	<ol style="list-style-type: none"> 4. Make them articulate why something is impossible to provide. Get creative! You can ask for an additional device if that’s what is needed for additional virtual adult support. 5. Explain what your child needs in the home environment and push for these services and accommodations. New ones can be added. 6. If they refuse to make such changes, you have the right to file for due process or file a state complaint.