



## **ADA Live!**

### **Episode 84: Back to School Access for Students Receiving Special Education**

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**Speaker:** Phyllis Wolfram, Executive Director of the Council for Administrators of Special Education

**Host:** Beth Miller Harrison, Director of Knowledge Translation - Southeast ADA Center

**Phyllis Wolfram:** Hi, I am Phyllis Wolfram and you are listening to ADA Live.

**4 Wheel City:** (rapping)

**Beth Miller Harrison:** Hello, everyone. And on behalf of the Southeast ADA Center, the Burton Blatt Institute at Syracuse University and the ADA National Network, welcome to ADA Live. I am Beth Miller, Harrison of the Southeast ADA Center. Listening audience, you may submit your questions about the ADA at any time at [adalive.org](http://adalive.org). In response to the pandemic. Most secondary and post secondary schools in the US canceled in-person classes this year, back in March of 2020 and began providing virtual instruction. The shift to virtual instruction has exposed troubling gaps in digital access and accessibility, especially for low income students and students with disabilities.

Public and private schools and school systems are now faced with a difficult task of re-imagining what returning to class will look like in the fall. There are three major laws that guide public instruction for students with disabilities. These are, one, titles, II and III of the Americans with Disabilities Act or the ADA, two, Section 504 of the Rehabilitation Act of

1973, and three, the Individuals with Disabilities Education Act or IDEA. In the United States, there are approximately seven million school aged children between the ages of three and 21 who receive a free and appropriate public education under IDEA. And approximately 1.5% of students have 504 plans.

Today, our focus is on students receiving special education under IDEA. These students and their parents are understandably anxious to know what the new classroom will look like in a COVID-19 world. At school, students receiving special education services often get individualized focus from professionals who are trained in and deeply familiar with their unique ways of thinking, perceiving, and processing. As we all learn to adjust to the COVID-19 pandemic, can our public schools ensure that all students receive a high quality education and also meet the unique needs of students with disabilities.

Joining us today to discuss these issues is Phyllis Wolfram, Phyllis Wolfram, Executive Director of the Council of Administrators for Special Education or CASE, C-A-S-E. Phyllis. We are thrilled to have you today as our guest. Thank you so much for being here. One of the key aspects of education for students with disabilities is that they be provided a free appropriate public education or FAPE, F-A-P-E. Phyllis, can you tell us what free appropriate public education means? And also talk about the responsibilities school systems have under the Individuals with Disabilities Education Act in Section 504 of the Rehab Act.

**Phyllis Wolfram:** Yes, Beth, thanks so much. It's a pleasure to be with you today and to be able to address such important topics for education, for special education, and for all of our students who receive services under the IDEA or the Section 504 of the Rehabilitation Act. Providing FAPE to our students again, it's that responsibility that every public school district has under the Individuals with Disabilities Education Act. And what that means is looking at each individual student, looking at the area of eligibility, looking at their strengths and their weaknesses, and providing an Individualized Education Program specifically tailored to those students so that they can be successful and they can achieve in our public school system.

All students that are eligible under the IDEA are also covered in eligible under Section 504 of the Rehabilitation Act. It's similar to somewhat of an umbrella because for all students with an IEP, it is our responsibility to look at accommodations and modifications in order for those students to access their educational program. Our students with 504 plans, we have an obligation to provide those reasonable accommodations to those students who are eligible based on that criteria that is set forth in the Rehabilitation Act.

**Beth Miller Harrison:** Thank you very much, Phyllis. That's a good explanation, it gives a little an idea to our audience about the differences, but yet some of the similarities of the two. As part of the Individuals with Disabilities Education Act, IDEA requirements, when necessary schools must provide customized instruction for students with disabilities. And those disabilities may include dyslexia, autism blindness, cognitive impairment. When the pandemic started, many schools faced challenges in meeting the unique needs of special education students. As everyone tried to teach and learn from home, some students with disabilities who need customized in-person instruction were completely left behind when school districts were unable to provide equally effective education services. How will school districts address these issues going forward?

**Phyllis Wolfram:** So, Beth, that's an excellent question, moving forward, how do we address the issues of meeting the needs of all of our students? When we began school closure across the nation, CASE as an organization began to dialogue with the field and on our website, you will find many of our webinars free to anyone who would like to take a look at them, where we began to look at, how can we meet the needs of our students? We know moving forward from this point on is a challenge, but what we knew at that point in time is we also had a challenge back in March. So CASE developed what we felt were really four real important priorities.

And first and foremost, we believe then as well as moving forward, it is important to focus on the safety, the health, and the welfare of our students and staff members in our communities. We know that it's important that we follow the guidelines of our local health departments as well as looking at the guidelines from the CDC, the Center for Disease Control. So health and safety has always been a number one priority and will continue to

be that moving forward. The second was to provide FAPE, that free and appropriate public education that we spoke about in the first question that was posed. And to deliver those services to as many students as we reasonably can in the best way that we know how. And the best way was to work very closely with our parents and continue moving forward to work very closely with that IEP team, including the parents, looking at the individual needs of students.

What we know, and we have data to look at is where our students were performing upon school closure. We know what has happened for individual students during the time of school closure. Some of those students will have regressed. We know that typical developing students do experience some form of regression over our summer holidays in every school year. And that our students with disabilities many times will regress even more so than the typical developing student. So it's important to look at and to assess where our students are functioning and what has occurred over the school closure time.

And then when we return to school, when we return to what might be normal or possibly we've used the phrase, our new normal, it is so important that we look at exactly where is that student functioning at this point in time, and what do we need to do? What instructional components must be put together in order to meet the needs of that student so that they can recoup skills that may have been lost and to continue to make progress in their educational programs.

So I'll then to talk about, it was really important we had our third priority was to really document those efforts and continue moving forward to document the conversations that those IEP teams are having, document the concerns of the parents, document what is happening in the environment and in the communities around us. What we know is that school systems cannot exist in a bubble, that we have to look at what is happening and what is the outbreak in the situation in our communities. And then our school systems will be able to function and perform more effectively. But as educators and as parents, we are saying, "Document your efforts and what you've been doing."

The fourth thing that we always wanted to keep in mind is that when the IDEA was written, when it was enacted, first and foremost, when Public Law 94-142 was enacted,

no one had a pandemic in mind. And what we know is that the IDEA, the Individuals with Disabilities Education Act wasn't really written or built for this point in time. So I think moving forward, if I were to sum all of that up, it would be to say, for school districts and parents moving forward to work very closely together and to be transparent and to communicate what their needs are so that we can provide the best educational program under the circumstances that each individual family or student may be in to provide the best services possible.

**Beth Miller Harrison:** Well, I think that's excellent advice and assessment, working with a student from where that student is. And then I think another important piece of what you said is really taking into account the environment and the context and how that's impacting everything. One of the challenges, Phyllis, especially for students with disabilities and students learning English as a second language has been that sudden switch to online computer based learning. What are the challenges with online learning for students with disabilities and how our school districts meeting these challenges?

**Phyllis Wolfram:** That's another very excellent question, Beth. And the challenges really vary from community to community based on the resources that individual school districts or individual school buildings may have access to. I know in working with directors across the country, some of the real need has been with regard to internet access or bandwidth access in order to have devices work efficiently. The second challenge that we have faced is even just access to devices. I've heard some wonderful stories of school districts going door to door and delivering devices to families who did not. And yet on the other hand, there are some school districts that have engaged in what we would call a one on one device situation where students have had devices throughout the school year for maybe multiple years in their public schools. So I think those are some of the challenges.

I think some of the other challenges with regard not just to devices, but have been the family situation and the availability. We know that during this unprecedented time of a pandemic that our families have been working from home, our parents. We sometimes have multi-generational families under one roof. And so there may not have been as much time to work with young children in their educational needs. Sometimes in those

homes, it's where our teachers have had their own children trying to teach students virtually as well as teach their own children at home. So there have been a multiple challenges with providing online learning to students.

I believe we're getting better and I believe progress has been made in some situations probably quicker than others as far as individual school districts ability to even access devices and to purchase those to have them delivered. And again, though, I will just say, in talking with my colleagues across the nation, there are such great efforts going forth. And we have truly encouraged all of our members and those directors that have tuned into our programs and our webinars is to work very closely with their families to ensure that they're communicating effectively, they're meeting needs in the best way possible given those circumstances that each family is dealing with.

**Beth Miller Harrison:** And probably very much connected to the challenges of online learning is that many students who receive special education services rely on assistive technology to help them learn. So for example, you may have a student with a visual disability who might use a screen reader software to help read text aloud, or use a braille reader. Then a lot of online education platforms aren't compatible with assistive technology. Has that been an issue? And what are schools doing to address that issue?

**Phyllis Wolfram:** Mm-hmm (affirmative), good question. And I think over time, more and more of our platforms have become accessible although we do know that it continues to be an issue. I believe that there have been many instances where some of our providers have gone to homes even when we have had school closed and we've been delivering devices trying to assist families with setting up a system for those students who have some real unique needs so that they can connect and they can receive some educational services.

It has though been an extraordinary issue in some of our areas of lower socioeconomic status, where we have not had internet connections. I know I had an opportunity to visit with some of my colleagues, especially in the State of Mississippi, where they were really struggling with that and they were continuing to work the best way that they knew how with the families, with the parents and providing some of that continue to be maybe paper,

pencil types of activities, or providing parents with activities that they could do in the home. But it has truly been a challenge for education at this point in time with accessibility and with assistive technology for those students who have very unique needs.

**Beth Miller Harrison:** Thank you, Phyllis. ADA Live listening audience, if you have questions about this topic or any of our other ADA Live topics, you can submit your questions online at [www.adalive.org](http://www.adalive.org) or call the Southeast ADA center at 1 (404) 541-9001. Let's pause for a word about our featured organization, the Council of Administrators of Special Education.

Voice Over Announcement: The Council of Administrators of Special Education is an international professional educational organization, which is affiliated with the Council for Exceptional Children, whose members are dedicated to the enhancement of the worth, dignity, potential, and uniqueness of each individual in society. Those who receive special education services are individuals who possess basic rights and responsibilities and who command respect at all times. Special education embraces the right to a free, appropriate public education. The mission of the Council of Administrators of Special Education is to provide leadership and support to members by shaping policies and practices which impact the quality of education. To find out more about their important work visit their website at [www.casecec.org](http://www.casecec.org).

**Beth Miller Harrison:** Phyllis, before that break, we were talking about online learning and some of the challenges that this can pose for students with disabilities who are receiving special education services. A key component of special education as we know is the Individualized Education Program or IEP. And in fact, you've mentioned it earlier in our discussion. The IEP is a map that lays out the program of instruction, supports, and services that are designed to meet a student's unique needs in order for that student to make progress and thrive in school. The term IEP is also used to refer to the written plan that spells out the specific types of help the student will get. How are school districts adjusting their procedures, programs, and services to comply with each student's IEP during these difficult times?

**Phyllis Wolfram:** Mm-hmm (affirmative). Again, Beth, another really important question about that compliance aspect. And since the very beginning when schools began to close, well, you have received guidance from the Office of Special Education Programs at the US Department of Education. And what we know as special educators is that our requirements and our obligation to provide FAPE, that free and appropriate public education, still remains. So how did we do that? What were school districts faced with? Of the many challenges, one of the things that we said was most important in order to provide the components of what is in the IEP is to work with parents and have that conversation to say, "What can we do at this point in time?"

We encouraged school districts to look at maybe developing a distance learning plan. What is it that we're going to do over this point in time or moving forward when we're not in our regular educational environment in our school buildings? How can we meet those needs? How can we document? How can we continue that commitment to providing a free and appropriate public education under the current circumstances? And we did go back and we looked at some recent court hearings or decisions, and one was the Endrew F. decision where it talked about FAPE, providing a free and appropriate public education under the current circumstances. And we used that and applied and said, "Our circumstances are so different right now that FAPE may look different." And that was a determination that needed to be made with parents.

So adjusting those IEPs during this real unprecedented time in our nation, not to mention unprecedented time in education, in determining together, what does the IEP look like? Or what does the distance learning plan look like? We cautioned school districts to say, "Be careful that you really don't lose sight of the current IEP that you've been working with and following with regard to goals and objectives," because that was our normal, that was what we determined was necessary for a student to make progress. And we don't want to lose sight of that. And that was one of the reasons for our recommendation of looking at maybe a distance learning plan, here's what we can do during this point in time during the pandemic.

However, we also said to local administrators and to educators to say, "You also have to follow those rules and those guidelines that are set out by your own state Department of Education. In some state, departments gave very specific guidance about re-amending IEPs or doing distance learning plans. And so we said, "The focus, if you have specific guidance from your state department, it needs to go in that direction." Again, our number one priority was the health and safety of our students, our families, and our teachers as well.

**Beth Miller Harrison:** I think it's so much of what we're heading into is unknown, it takes so much teamwork, I think, well, from families and teachers, all of us figuring it out. And on top of that, of course, the districts are also grappling with some serious money issues. The economic downturn that resulted from the pandemic means less revenue for local and state governments, and school districts across the US are being asked to cut budgets. In some places, the cuts are extreme. How will this impact students receiving special education services? And how are school districts planning to meet the needs of students with disabilities?

**Phyllis Wolfram:** Beth, what we know is that it's a real struggle for our school districts. There is a requirement in the IDEA that it's called maintenance of effort. And that requires local school districts, as well as state education agencies to maintain the same fiscal effort, which means you spend the same amount of money this year, if not more, than you did the previous year. And that's to help secure that funding in those programs that we've established for our students with disabilities. And the maintenance of effort requirement is based on state and local dollars. And what we know during this pandemic is that we will see and have seen a decrease in spending in all of our local communities and at our state level.

So revenue that is generated from local and state funds coming into school districts had already been cut. And for this past fiscal year, during the pandemic from March through June, and we are seeing additional cuts coming moving forward in the future. And then what we know is that the federal contribution to education and to special education in particular, only hovers around 13% of what it costs school districts to educate students

with disabilities. So it is a real challenge. One of the things that school districts are doing is advocating very strongly for some additional funding.

What we know from the Council of Chief State School Officers, and those are our head education, people in our state Departments of Education, have indicated that school systems will need between \$158 billion to \$245 billion in additional funding to reopen school building safely and to serve all students in the next academic year. Just last night, I was privileged to be on a webinar and this webinar can be seen on the Facebook page of the National PTA, Parents and Teachers Association. And we were privileged to hear two of our infectious disease doctors who provided some very sound information to us moving forward.

And so we're talking about the fiscal impact. But one of the things moving forward if we are to open schools that they shared with us, it's important for us to have masks and face coverings and to continue physical distancing and to have good hand hygiene, and to really look at ventilation. Those were four very specific points that they made to us. In order for schools to do that, that is additional funding over and above what they had ever expended money on before. I know that in visiting with some of my colleagues, they've talked about, do we need partitions between spaces of children? And then another very challenging aspect is keeping that social distance if we come back to school in the size of our classes.

So the challenges of educating all of the students in those more enclosed environments is greater than ever before. And if we're going to do that, it's going to cost local school districts more money. And so we are asking for people to advocate. There is an opportunity on the CASE website on our action center for all educators, all parents, everyone to take action and request additional funding. And I would really encourage any of your listeners to take a look at that on the CASE website, it's under our legislative tab, and it is the action center.

**Beth Miller Harrison:** We've talked about the impact of the pandemic on students, but there's the whole other ball game about teachers and staff. What kind of concerns are you hearing from teachers and staff about going back to school?

**Phyllis Wolfram:** Well, first and foremost, I'm hearing that teachers want to be with their kids. They want to be with their students, they want to be back to that normal. They miss them, they know that a student's flourish when they're in the classrooms. So that's what we hear first and foremost. I even hear that from special ed directors as challenging as their jobs can be, "We miss being with students. We miss being with our teachers." That's what we hear first and foremost. But secondly, what we hear is the concern for the health and safety of our students and staff. And what we know is that we currently have teachers and staff members across the nation who might be at risk themselves or at a higher risk in that category for contracting the virus.

So their concern is great in looking at the precautions for reopening schools, and are we doing all that we can? And is it appropriate to be opening school at this point in time? There are a number of issues of course, around that. We know that there have already been some schools that had opened their doors during summer school. And we've had small class sizes, we have had social distancing, yet we have also had individuals during that time and in those classrooms that have contracted the virus, and then those school districts have been contacting parents and we go into a quarantine mode of 14 days and notifying all that could have possibly come in contact with whether that was the student or a staff member that may have contracted the virus.

So those are the greatest concerns, I think that we're hearing right now. And how do you balance, "We miss you, we want to see you, come back to school" with "How do we do that in the safest way possible?"

**Beth Miller Harrison:** And with the traditional school year set to begin soon in August, many students and staff with disabilities have health conditions, as you mentioned, that can put them at greater risk of contracting the coronavirus or COVID-19. What are some ways that districts will try to protect their health and wellbeing as they return to the classroom in the fall?

**Phyllis Wolfram:** We've talked about in the direction and guidance that we've received from several of our infectious disease doctors, our experts, as they have been working with us is that we have to have this commitment to masking, we have to have this

commitment to supporting public education, and we really have to commit ourselves to cleaning each of those spaces, keeping students in pods or in the same groups consistently keeping them safe. Those are some of the things that we've talked about with regard to wellbeing.

We've also really directed school districts again, to follow the guidelines that the CDC, the Center for Disease Control has provided for school openings and to be in touch with, work with your health services within your school district, who would be communicating with the local Department of Health. Because what we know in some communities, we have a much higher outbreak than we do in others. So many of our local school districts in our communities are acting differently based on the outbreak or the number of cases of COVID-19 that might be in their community. So to really answer your question in some respects, it varies widely across the nation.

**Beth Miller Harrison:** Thank you, Phyllis. In wrapping up today's show, do you have any additional advice for parents of students receiving special education who may be listening today?

**Phyllis Wolfram:** I do. I think first and foremost, it's important to really be transparent and to open up and continue to make contact with your school district about what your needs are as a parent. I do believe that and in the good faith efforts that all of our special educators are making to provide our students and our families with the services that they need and that they're able put into place at this point in time. And what we know that, in some situations it might not be a good one. It could be that teachers have gotten sick or teachers aren't available and there may be substitutes in play.

And I would just offer to parents that to really continue to communicate openly with your school district whether that's with your special education teacher, your special education director, your building principal, those that you need to share with them what your current situation is and what you need. But I think the most important thing is good, open communication amongst all of us at this point in time.

**Beth Miller Harrison:** That's excellent advice, keep the communication open plus we all have the same goal. Thank you so much, Phyllis. I really appreciate your insights and your time today. And thank you, ADA Live listeners for joining us for today's episode. We are grateful to our guests. Phyllis Wolfram, Executive Director of the Council for Administrators of Special Education or CASE, C-A-S-E, for sharing her time and valuable insights on back to school access for students with disabilities during these unprecedented times.

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Check out the ADA anniversary toolkit at [www.adaanniversary.org](http://www.adaanniversary.org). The toolkit is a product of the Southeast ADA Center and the ADA National Network, and features logos, social media posts, monthly themes, and other resources to keep the celebration going. Also, on a social media platform of your choosing use, #ThanksToTheADA to share what the ADA means to you. A moment in your life when you were thankful for the ADA share with #ThanksToTheADA.

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**4 Wheel City:** (rapping)

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