Are schools required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 outbreak?

When schools are closed to slow or stop the spread of COVID-19, and educational services are not provided to the general student population, then no services or accommodations will be provided to students with disabilities during that same period of time.

When educational opportunities are provided to the general student population during a school closure, students with disabilities will also have equal access to the same opportunities, including the provision of FAPE. To the greatest extent possible, each student with a disability will be provided the special education and related services identified in the student’s 504 Plan.

How will students be provided with accommodations if school attendance is virtual?

When school attendance is virtual, students with a 504 will be provided with materials in the same manner as general education students and have access to instruction via a variety of technological (Zoom, Google Hangout, on-line instructional tools and resources) and traditional options. Modifications and accommodations, as noted in student 504 Plan, will be provided to the extent possible and necessary, based on the type of instruction. Some accommodations may not be applicable with online learning (ex: success/behavior plans, breaks, visits to nurse, hard copies of materials, etc).

Can Section 504 evaluations and annual review meetings occur while schools are closed due to COVID-19?

504 Teams are not required to meet in person while schools are closed. If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Annual reviews, evaluations and re-evaluations that do not require face-to-face assessments or observations may take place via online or phone conference while schools are closed, so long as a student’s parent or legal guardian consents.
Will Section 504 evaluations be completed within timelines if schools continue to be cancelled or closed?

Efforts will be made to arrange schedules to meet timelines. In the event that timelines are exceeded due to school closure, similar procedures will be followed as we would for cancellations due to inclement weather.

If you have questions related to your child’s 504 Plan, please contact your child’s school counselor.