

## Challenges to delivering special education have increased during the COVID era

EDUCATION by ADRIA WATSON DECEMBER 8, 2020

When COVID-19 forced schools throughout Connecticut to shut down abruptly in March, educators scrambled to figure out the best way to ensure students still received a proper education while at home.

But for Treca Williams, keeping her children engaged has been left to her alone, especially when it comes to her 8-year-old daughter, Jaylene, who is a special education student in Bridgeport. With little to no help coming from her child's school at the time, Williams had to get creative.

"I had to come up with a lot of different ideas and brainstorm on ways to help limit her frustration and her anxiety and how she was always overwhelmed, and keeping her focused," Williams said about Jaylene, who has ADHD and emotional disturbance challenges.

She's had her daughter do things like yoga, baking and working on a big art project, and she's been playing music with her to help her stay calm and motivated through the day.

"I just had to keep researching ... and I had to worry about my own job, and I had to worry about school, because I'm in school, and I have my other child that I have to also help, so it was very hard," Williams said, adding that her son Jaden, who is 10, will sometimes pause his schoolwork to try to help his mom and sister as well.

"If he sees me getting frustrated, he'll take over, and he'll be like, 'Mommy, you can take a break, I'll help her.'"

At the start of the pandemic, parents and advocates expressed concerns about how difficult or impossible it is for some students with disabilities to learn from home. Like Williams, many parents were left on their own to figure out how to get their children the support they need to keep them engaged.

Now, with districts like Bridgeport recently making the decision to transition to fully remote learning after seeing an increase in positive COVID-19 cases in recent weeks, special education advocates say not much has changed for these families and students. They are concerned about how this will continue to affect them as districts change learning models again.

"We could have used this time to develop high-quality remote learning programs, both for kids with disabilities and for everybody, and we didn't do it," said Andrew Feinstein, a special education attorney. "We are back to where we were in March, without a lot of progress, in terms of what to do to provide a meaningful educational program in a remote environment. ... I'm not going to say it's exactly the same, or it's no better, but so much more could have been done."

### Challenges

Guidelines set by the state heading into this academic year required school districts to provide "free appropriate public education" to students with disabilities — so regardless of whether classes are held in-person or remotely, districts are still responsible for making sure children in special education are still getting their services. And while the pandemic may have changed the way the services are usually provided, districts are still expected to be flexible.

But Christina Ghio, an attorney who represents children with severe disabilities, said that although state and federal guidance says that districts are required to implement students' individualized education programs, or IEPs, to the greatest extent possible, some districts have taken that as a license to not provide IEPs in full. Ghio said that isn't enough.



*Jaylene Hill attends classes online at her mom's job on Wednesday, Dec. 2. (Photo courtesy of Adiel Dominguez)*

"If a child has an IEP, the obligation is to implement the IEP," she said. "The IEP is the document that lays out what's necessary for the child to receive free appropriate public education, and if they are not implementing that, then the child is not getting that free appropriate public education."

Ghio also said that when districts decide to go remote, there's supposed to be a conversation about the development of the continued educational opportunity plan for these students, but districts are making changes to those plans without telling parents — even though the guidance says parents have to be informed.

"I haven't had any clients call me and say 'the school wants to talk to me about what's going to go into the implementation plan.' What I have found is that they're just told 'this is what we're doing.'"

**Kathryn Meyer, an attorney with the Center for Children's Advocacy, acknowledges that while the state Department of Education has worked hard to get guidance out in a timely manner, one challenge attorneys are facing during the pandemic is not knowing what recourse is available when a district is either unable to or won't follow the guidance.**

**"If this baseline of guidance is not being met or achievable, where do we go with that?" Meyer said, adding that it seems like everyone is muddling through and saying they are doing the best they can. "I do think people are doing their best. I don't think anyone is intentionally trying to short-change children at this time. But that's not a satisfying answer for families or children who need more and have no way of getting what they need."**

In Greenwich, parents openly criticized the district's special education department since before the pandemic. But recently, a complaint was filed with the state Department of Education against Greenwich Public Schools, arguing that children in special education have not been getting services.

The complaint, which was co-signed by three parents — Jennifer Kutai, Caroline Lerum and Audra O'Donovan — claims that the district is not providing federally mandated services in students' IEPs, and schools are not providing the least restrictive environments for students in special education. They included a complaint from the Greenwich Education Association that said teachers were being instructed to tell parents to modify their child's IEPs outside of the mandated process.



*Kathryn Meyer, an attorney with the Center for Children's Advocacy, represents children with special education needs.*

Commissioner of Education Miguel Cardona dismissed the complaint — which he said had insufficient evidence. "Parents are ... not disheartened," Lerum said. "We will keep moving forward until we're confident that all children in the Greenwich Public Schools are receiving an appropriate education."

The state's recommendation that parents contact the state Department of Education directly with their concerns is "a very unrealistic expectation," Lerum said. "It's very expensive, it's very time consuming, it's very difficult and it puts a huge strain on your relationship with the district," Lerum said.

During the Dec. 2 state Board of Education meeting, some of the parents who co-signed the complaint expressed their concerns about the complaint being dismissed. One parent, Mabél Arteaga Balestra, said she has had issues with getting her son the testing and services he needs — which Balestra said is resulting in his grades dropping.

"We must protect our most vulnerable students, not first set them aside," Balestra said during the meeting. "Lowering the bar can never be an equitable solution. Leveling the playing field and implementing universal accommodations for all learners to benefit, while meeting the needs of our special learners, is."

The state education department's Chief Operating Officer Charlene Russell-Tucker said during the meeting that the dismissal is not an indication of a "lack of interest and commitment to working with the families regarding the issues" and that the state's Special Education Division Director Bryan Klimkiewicz will continue to have conversations with the parents to address them.

### **The state's role**

If a district cannot or will not follow the guidance for students, Klimkiewicz said, they encourage parents to reach out to the Connecticut Parent Advocacy Center (CPAC), the Department of Education or the Bureau of Special Education.

“There are formal processes that we’ve been standing up and that are still in place to be able to work through more of those complex issues, because there were a lot of challenges before COVID, and now during COVID, they certainly are exacerbated,” he said. “So we want to do everything that we can to ensure that those gaps are being closed, not widened, by any type of an access issue.”

Most of the decisions about how special education is offered are left up to the districts. Klimkiewicz said the state provides support for educators and parents through the guidance they have in place, as well as by reinforcing the information that’s out there — helping answer questions that have gone unanswered and providing technical assistance.

He added this is an important role for the department “because special education is so individualized. That’s why [planning and placement teams] were put in place — so that those that know the student the best can make individual determinations,” he said. “So we’ve put some structures in place in the first couple months of the school year, so that we can hear ... how the guidance is playing out.”

Some of those structures include partnering with CPAC to have Q&A sessions with parents of students in special education or communicating via email or phone call.

We want to do everything that we can to ensure that those gaps are being closed, not widened.” Klimkiewicz said the department has been categorizing the information they receive. “Some of the challenges that we’ve heard about are related to the impact of the pandemic and the ever-changing model that schools are in,” he said, adding that the IEPs have to be adjusted regularly — even though a district is in a hybrid plan, for example, the schedule might look different from week to week.

In addition, if teachers or students are quarantined, that may affect schools’ ability to get each student what they need.

Klimkiewicz added that the monthly attendance tracker the state launched recently has also helped them figure out where special education students are not showing up.

### **Students with disabilities have lower attendance historically, but their attendance plummeted during the pandemic.**

Although Klimkiewicz said the department has seen an increase in attendance from students with IEPs in some districts, data show that students with disabilities on average are missing one out of every nine days of school this year compared to the one out of every 14 days they were missing before the pandemic.

Students learning remotely also miss nearly twice as many days compared to those learning in person. For example, for students with learning or physical disabilities, students learning online missed one out of seven days, compared to one out of every 13 days for those attending in-person.

“We can look at the districts that have decreased attendance of students with disabilities — we can provide, again, further support resources, try to understand why those students haven’t been able to engage,” he said.

### **Learning new approaches**

Williams said coming into the school year in the fall was a different experience from how things ended in the spring.

In the beginning, she said Jaylene was not getting the services under her IEP. She had to ask the teacher what was going on, and she learned that the school was short-staffed because of COVID. Not too long after, the 8-year-old did get her services and was able to attend school in-person for four days a week.

She added that Jaylene has been doing a lot better in school this year than before the pandemic, which Williams said is because she’s there helping her as much as she can.

“Being home with her definitely helped her ... that played a big role in how she transitioned back to school and all the stuff she had to look forward to,” Williams said. “She’s on the honor roll, and she’s never been on the honor roll before. She’s so proud of herself, and I’m so proud of her.”

With Bridgeport schools operating fully remote again, Williams is back to the activities she’s created at home that help her daughter stay engaged with her school work. Also, she can bring her children to her job with her — she works as an assistant teacher at Hall Neighborhood House Early Learning, and she said that’s how she’s been able to find a lot of the resources for Jaylene.

Williams acknowledged that not every parent can bring their children to work. But that is one reason why she says there needs to be better communication coming from the schools to the families.

“This experience is been frustrating, overwhelming, filled with anxiety,” Williams said. “But it also taught me my strengths and my weakness, and it also taught me a lot about my daughter, and how I can help.”