IDEA & 504 SPECIAL ACCOMMODATIONS

STUDENTS WITH DISABILITIES IN DISTANCE LEARNING

• Schools must provide students with disabilities, including students with 504 Individualized Accommodation Plans (IAPs) plans, pursuant to the Rehabilitation Act of 1973 (Section 504), and students with Individualized Education Programs (IEP), pursuant to the Individuals with Disabilities Education Act (IDEA), with all the services identified in their IAPs and IEPs. Such instruction must be provided through in-person or structured distance learning, with an emphasis on providing in-person instruction, when possible, to this particularly vulnerable population of children.

• If at any time a school is uncertain whether it will be able to comply with a particular student’s IEP or IAP, or otherwise meet its obligations under either IDEA or Section 504, it must immediately notify the Education Resource Center (ERC). The ERC will contact both Division of Performance and Accountability (DPA) and ADD.

• Distance learning is available to all students including those students with disabilities who are, or may be, eligible for either an IEP or IAP.

• Students with a disability may not be denied participation in distance learning because of their disability or because they may need services or because they may need services or accommodations which are typically delivered in person.

• For students seeking distance learning instruction who are or may be eligible for an IEP, their regularly assigned IEP team will convene to develop, review or revise, as necessary, their IEP to ensure that they receive a free and appropriate public education (FAPE).

• The IEP team will develop, implement, and administer the IEP in accordance with IDEA. Distance Learning will not affect any rights, substantive or procedural, guaranteed to a student or parent by the IDEA.

• The IEP team will determine the instruction, services, and/or accommodations necessary to provide a FAPE to a student receiving distance learning instruction.

• Working in concert with DPA, the IEP team will draw from all appropriate resources, both distance and in-person, to serve the student’s needs. A student receiving distance learning instruction, for example, may also have access to related services such as physical, speech, and occupational therapies that may be available from the in-person school.

• The IEP team, in close collaboration with DPA, will also monitor the student’s progress toward the goals and objectives of the IEP to make sure that the student is making meaningful educational progress.
504 IAPs FOR STUDENTS IN DISTANCE LEARNING

• For students seeking distance learning instruction who are, or may be, eligible for an IAP, the regularly assigned Section 504-Team will convene to develop, review and revise, as necessary, the student's 504 IAP.

• The 504 Team will follow the policies and procedures outlined in the BIE Section 504 National Policy Memorandum and will work with the 504 Coordinator to provide the distance learning and/or physical accommodations necessary for a student with a disability to have access to BIE educational programs and services.