



EDUCATION POLICY HOT TOPICS

General Education

Special Education

Mental Health & HIPAA

Securing Online Learning

Equity Issues

Introduction

Educators across the country have been plunged into the world of distance learning while they grapple with the consequences of school closures on their families and their students. We want to find a way to support our fellow educators on the frontlines as they make this virtual transition. We recognize that many educators have never engaged in virtual learning and as such there is a tremendous need to understand and be familiar with the policies that govern the territory of online classrooms. These policies are vital to the success of the online classroom as well as maintaining the integrity of the teacher-student dynamic.

To better serve you, we have gathered relevant resources addressing five crucial areas of education policy in the time of COVID-19 school closures: General Education, Special Education, Mental Health & HIPAA, Securing Online Learning, and Equity Issues. These important topics are summarized along with links for further reading at your convenience. It is our hope that these topics and resources will help you navigate the somewhat turbulent and unpredictable waters of online learning that is your new normal. We remain confident in your ability to rise to the occasion and we in this journey with you, grateful to provide support.

General Education



COVID-19 Information and Resources for Schools and School Personnel

The United States Department of Education provides up-to-date information about this rapidly evolving situation on their website at www.ed.gov/coronavirus. This includes resources for elementary, secondary, and higher education, as well as facts from the CDC to best serve students with disabilities throughout the COVID-19 pandemic and guidance on protecting the civil rights of students. If you are interested in staying up to date with the U.S. Department of Education, consider subscribing to their newsletters at www.ed.gov/subscriptions.

ExcelinEd COVID-19 State Education Action Database

The unprecedented challenges of COVID-19 are affecting students, teachers and families across the nation. ExcelinEd has produced a database to track state decisions on graduation requirements, assessment waivers, estimated reopen dates, and more. All data is sourced from the [U.S. Department of Education](http://www.ed.gov), [state education agencies](#) or other official guidance from federal or state government. To explore the database, visit www.excelined.org/covid-19.

FutureEd Tracking State Legislation on the Coronavirus

Coronavirus has shaken nearly every aspect of the education sector. Widespread closures prevent schools from providing student meals, standardized tests, and extracurricular programs the same way they were provided just weeks ago. As Congress moves quickly to approve coronavirus relief plans, state legislatures across the country are also considering bills to deal with the financial, health, and educational impact of the pandemic. FutureEd, a think tank at Georgetown University, maintains a database of proposed legislation throughout the country. To stay up to date regarding legislation in your state or explore what other states are proposing, visit <https://www.future-ed.org/tracking-state-legislation-on-the-coronavirus/>.

Special Education



Department of Education, Supplemental Fact Sheet

On March 21, 2020, the Department of Education's Office of Civil Rights ("OCR") and Office for Special Education and Rehabilitative Services ("OSERS") issued guidance to address concerns how local school districts can provide virtual and online instruction while ensuring compliance with the Individuals with Disabilities Education Act (IDEA), † Section 504 of the Rehabilitation Act (Section 504), and Title II of the Americans with Disabilities Act (ADA).

The Department stands ready to offer guidance, technical assistance, and information on any available flexibility, within the confines of the law, to ensure that all students, including students with disabilities, continue receiving education during this difficult time. The OCR and OSERS have previously issued non-regulatory guidance addressing these issues. Some Key Facts from this supplemental fact sheet are the following:

- **To be clear:** ensuring compliance with the IDEA, † Section 504 of the Rehabilitation Act (Section 504), and Title II of the ADA should not prevent any school from offering educational programs through distance instruction.

- School districts **must provide a free and appropriate public education** (FAPE) consistent with the need to protect the health and safety of students with disabilities and those individuals providing education, specialized instruction, and related services to these students.
- The Department stated that the delivery of FAPE in the current COVID-19 environment may include special education and related services conducted through **distance instruction provided virtually, online, or telephonically**.
- If schools are unable to provide virtual, online or telephonic instruction due to the current pandemic, then individual IEP teams will need to make a determination **to what extent these students are owed compensatory (make-up) services** once the regular school session resumes.

To read the Supplemental Fact Sheet in its entirety, please go to: [Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities](#).

Association of University Center on Disabilities

Every Monday, AUCD releases a newsletter reporting policies impacting people with disabilities that are being implemented or in the process of passing. Congress and the administration are responding to the COVID-19 crisis in a variety of ways. It is important in the fast-moving decision process that the various relief and safety efforts meet the needs of people with disabilities. You can view the newsletter [here](#) or [sign up](#) to receive Disability Policy News in your inbox every Monday.

Questions About the Individuals with Disabilities Education Act (IDEA)

This U.S. Department of Education document outlines states' responsibilities to infants, toddlers, and children with disabilities and their families, and to the staff serving these children. Some key answers from the U.S. Department of Education state the following:

- The IDEA, Section 504, and Title II of the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time (generally more than 10 consecutive days) because of exceptional circumstances, such as an outbreak of a particular disease.
- If a local education agency (LEA) closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time.
- If a child does not receive services during a closure, a child's IEP team (or appropriate personnel under Section 504) must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.
- IEP teams may, but are not required to, include distance learning plans in a child's IEP that could be triggered and implemented during a selective closure due to a COVID-19 outbreak.

- It has long been the Department’s position that when a child with a disability is classified as needing homebound instruction because of a medical problem (personally infected with COVID-19), as ordered by a physician, and is home for an extended period of time (generally more than 10 consecutive school days), an individualized education program (IEP) meeting is necessary to change the child’s placement and the contents of the child’s IEP, if warranted.

To read the IDEA Q&A PDF in its entirety, please go to: [Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak \(March 2020\)](#)

Mental Health & HIPAA



National Center for School Mental Health

The stress associated with the coronavirus pandemic may understandably increase worry and anxiety in our students, staff, families, and communities. National Center for School Mental Health provides a more comprehensive resource for system policies, funding, and best practices with resources that point to model policies and programs. For more information, go to [National Center for School Mental Health](#).

U.S. Department of Health & Human Services — Guidance and Sample Waivers

The U.S. Department of Health and Human Services Office for Civil Rights (OCR) is empowering medical providers to serve patients wherever they are during this national public health emergency. OCR is especially concerned about reaching those most at risk, including older persons and persons with disabilities. [HHS’s coronavirus webpage](#) provides guidance for providing services covered by HIPAA such as waivers during the COVID-19 crisis.

Securing Online Learning

Remote Learning Privacy Concerns

Trusted education news platform, *Education Week*, addressed the growing data privacy concerns in a recent article, “Massive Shift to Remote Learning Prompts Big Data Privacy Concerns”:



“An unprecedented number of online interactions between teachers and students from their respective homes introduce new privacy questions that lack easy answers. And at least one state’s governor, aiming to speed up implementation of new remote learning tools, has temporarily waived legal requirements for agreements between school districts and technology companies that typically include student data privacy provisions.

“Student privacy experts are recommending that school districts take a deliberate, rather than frenetic, approach to adopting new technologies, and guard against overinvesting in new tools before being fully aware of how they work and how they could jeopardize students’ data privacy.”

[Click here](#) to read this fascinating *Education Week* article in its entirety.

10 Ways to Secure Your Zoom Room

Some educators are utilizing the Zoom platform as a popular choice to facilitate online learning. By now, we have all seen the news articles dealing with what security officials are calling “Zoom bombing” amidst other concerns regarding using these kinds of easily accessed platforms. ZDNet produced a useful article highlighting the [10 ways you can secure your Zoom room](#), including password-protected registration, using randomly-generated IDs, locking meetings, and limiting participant features. You can also explore how to change security settings at zoom.us/security.

Equity & COVID-19



U.S. Department of Education, Office for Civil Rights

Students have a legal right to a free and appropriate public education, regardless of their race, color, ability, origin or their parents’ income. There are several key factors at play to ensure that students’ civil rights are protected. The U.S. Department of Education, Office for Civil Rights has created a fact sheet to address these issues. Please read [Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students](#) to ensure school policies are in compliance.

U.S. Department of Agriculture, Press Release: Release No. 0180.20

The U.S. Secretary of Agriculture announced flexibility for feeding students during COVID-19-related school closures. The measures listed in this article help to ensure equitable policies are in place to feed students from low-income communities. Please read [Secretary Perdue Announces Proactive Flexibilities to Feed Children When Schools Close](#) to ensure school policies are in compliance.

Conclusion

As you look through these resources, we hope that they instill a little more clarity and understanding in your new normal and serve to enrich your virtual classroom experience. For additional practical resources, please be sure to check out [AAE’s Coronavirus Response and Resources page](#) on our website which includes links. Additionally, AAE hosts webinars to address the specific needs of educators. Topics and registration are provided in your weekly email communications. The professional association that you have chosen, Association of American Educators, is here to serve you. Please reach out to us if we can assist you in any way.