

LEGAL ALERT

**Updated Special Education Guidance (Possibly)
for Remote Learning Coming This Summer**

Given the multiple, complicated variables to be tackled in planning for remote or blended educational programming for the fall, the lack of practical guidance from State and Federal officials is extremely concerning. There are aspects of such programming that cannot be addressed by simply relying on the “creativity” of local school districts. Centralized, practical, tangible educational plans that account for social distancing and the ability of schools to staff smaller class sizes must be provided by the Illinois State Board of Education. For disabled students who require more intensive, specialized programming, where students remain entitled to compensatory education where certain services or instruction are not made available, the need for increased leadership at the State and Federal level is critical.

It is not clear whether to realistically expect any meaningful assistance from these officials. At the federal level, the U.S. Department of Education Office of Special Education Programming (“OSEP”) Director Laurie VanderPloeg, recently indicated that her Office hopes to issue a new series of FAQs dealing with Part B and Part C pandemic related issues and requirements. She noted the increased emphasis already on teleworking. Director VanderPloeg further emphasized her Office is working to provide more technical assistance and resource development regarding the reentry process for special education students this fall, including what that instruction will look like and support for parents in that transition process back to school. As part of these efforts, OSEP plans to conduct a five-part webinar series with an emphasis on promoting successful return to programming in the fall. The next OSEP webinar is planned for June 29th.

For any questions or comments you might have regarding this newsletter, please feel free to contact:

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