

Bipartisan Principles for Supporting Students with Disabilities During the COVID-19 National Emergency

The following are bipartisan principles introduced by Senators Chris Murphy (D-CT) and Bill Cassidy (R-LA) that are essential to ensuring the full and equitable provision of educational services to students with disabilities and maintaining rights under the Individuals with Disabilities Education Act (IDEA) throughout the COVID-19 National Emergency.

Principle 1: Preserve Free Appropriate Public Education

We must preserve the right to a Free Appropriate Public Education (FAPE), through providing essential and equitable services to students with disabilities throughout closures and through creative remedies to lost learning once schools reopen. No set of circumstances is too big to justify breaking this fundamental promise to students and families.

Principle 2: Engage Parents, Ensure Due Process

We believe that, while some extension and flexibility in timelines is warranted, other requirements to provide FAPE, to engage parents in the process, and to ensure due process rights to parents should remain. Any IDEA timeline flexibilities granted to states and districts must be narrow, targeted, and temporary. Now is not the time to renege on our commitment and responsibility to support students with disabilities and protect their rights by granting broad waivers.

Principle 3: Maintain Oversight and Accountability

Congress and the Department of Education must maintain oversight and accountability functions related to the progress of students with disabilities. Even during this exceptional crisis, the legislative and executive branches must work together to make sure that schools continue to meet their obligations to serve all students to the best of their ability and to include parents fully in decisions about their child's education.

Principle 4: Communicate Current Flexibilities Clearly and Provide Assistance

Where current flexibilities exist, the Education Department must communicate them in a clear and timely manner through guidance and providing robust technical assistance, while speaking clearly to specific concerns. States and districts need certainty regarding the extent of the flexibility and their obligations during this time so there is no fear of losing federal funding, while parents need certainty that their children will continue to receive the services they are entitled to under law.

Principle 5: Provide Funding to States and School Districts

Congress must provide necessary supplemental funding to states and school districts so that they can maintain learning for students with disabilities as well as provide additional services when schools reopen. We note that advocates for students with disabilities have recommended Congress appropriate \$10 billion to help schools meet IDEA requirements during and immediately following the period of school closures. Resources should be targeted toward ensuring students can fully access distance learning and virtual services that replicate students' accommodations to the extent possible, in addition to supporting the school personnel necessary to provide an equitable education for students. Further, resources should support the planning and implementation of innovative strategies to get students with disabilities back on track when schools reopen.