



CORONAVIRUS RECOVERY ASSISTANCE TO SCHOOL DISTRICTS

Issue

As school districts are engaged in recovery efforts from the coronavirus pandemic, there are exigent circumstances impacting students who receive special education services. While school districts may not be able to provide the comprehensive services according to a student's individualized education plan (IEP), districts are working to continue a reasonable level of service(s) to students, in compliance with public health directives and guidance from the U.S. Department of Education.

These efforts to provide continuity in IDEA services has prompted several legal concerns beyond the U.S. Department of Education's guidance, however, that school boards and district personnel are becoming increasingly aware of and should raise with their United States senators and representatives, as Congress considers provisions for a fourth emergency supplemental.

Problem

NSBA urges Congress to address two key concerns impacting IDEA services to students: Federal Funding and Temporary, Targeted Flexibility to School Districts for Continuity of Services.

Talking Points

Urge Congress to fully fund the federal share of the national investment in special education.

--The federal funding provided through regular appropriations is inadequate (and currently averages less than \$1,800 per child). The number of children with disabilities has increased from an estimated 6.9 million in Fiscal Year 2020 to an estimated 7.4 million for Fiscal Year 2021, thereby causing a greater demand for resources.

--The complications school districts are facing because of the coronavirus pandemic have compounded this problem regarding inadequate federal funding for IDEA.

--We applaud Congress' bipartisan leadership to provide preliminary resources to states and school districts for IDEA and other education services through the Education Stabilization Fund appropriated through the recent CARES Act. However, this funding is not sufficient to address the longer-term challenges districts and families are facing in order to provide a level of continuity in services to children with disabilities.

Urge Congress to legislate the provisions school districts need as they continue to act in good faith to provide appropriate special education and related services, to the extent

feasible, to students with disabilities during this catastrophe that has interrupted normal school operations.

--The significant hardship affecting school districts' efforts to continue to provide special education and related services in the amount and/or type required by a student's Individualized Education Plan is raising a number of legal concerns that have not been addressed by the U.S. Department of Education's guidance for schools during this pandemic.

--Temporary targeted waivers to school districts are needed as they encounter challenges that are interrupting the delivery of certain special education services (such as public health directives preventing certain physical therapies; shortages of qualified staff caused by health and safety concerns; school building closures due to health and safety concerns where certain equipment and technology is housed and cannot be relocated; and, lack of Internet access and/or necessary hardware to connect service providers and instructional staff to students). *These and other circumstances cannot be addressed effectively unless Congress intervenes.*

--Upon the resumption of normal school operations, school districts look forward to uninterrupted delivery of special education and related services in the amount and type required by a student's Individualized Education Plan. Therefore, temporary targeted waivers to districts would be discontinued pursuant to any federal, state, and local clearances needed for a district to resume its normal schedule and delivery of education services.

You can contact your senators' offices by accessing their websites at <https://www.senate.gov/senators/contact>. Your representatives can be contacted here: <https://www.house.gov/representatives>.