



The School Year is Almost Over!

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Now What????



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Questions?

- No “I” questions
 - Please frame your questions as hypotheticals. If you have particular questions about your child, we can talk more after the webinar. You can email me at arosenblatt@markmartinlaw.com



**For students who want to stay
virtual:
Write on the form:**

- “I agree to the virtual option as long as my child’s IEP is fully implemented. I do not waive any of my rights under the IDEA or Section 504 of the Rehabilitation Act.”

Legal Implication of Virtual Option Only Options

For students who want to stay virtual:

- We cannot waive our right have our child educated in our local school.
- If a child is not having the same access of programs and services due to their disability, it is a 504 violation.



Reminder of Least Restrictive Environment (LRE)—Obligation to provide placement in home school

- LRE requires that students be educated in the same school as their nondisabled peers. COMAR Sec. 13a.05.01.10.
- A public agency shall ensure that: to the maximum extent appropriate, students with disabilities are educated with students who are not disabled.
- A public agency shall ensure that the educational placement decision of a student with a disability is as close as possible to the student's home



Home and Hospital Teaching (HHT)

Sec. 13a.03.05.01

- For students who are unable to participate in their school of enrollment due to a physical or emotional condition.
- The length of instruction for students in a full-day program is a minimum of 6 hours a week.
- Must apply through Home and Hospital Office with a specific form.
- The form requires a doctor/NP involvement: The local school system shall determine initial service need through verification of the physical condition by... a licensed physician or certified nurse practitioner
- Must reapply every 60 calendar days.



Compensatory/Recovery Services

- Districts have still not come out with their recovery plans. MSDE has allowed them more time. This is unacceptable. This summer should be a time to do that.
- MSDE Guidance on Recovery Services specifically lists summer as a creative option to address lack of progress.
- The same but different! It matters and it doesn't matter!



Recovery Services

- Every aspect of the IEP was implemented to the maximum extent possible, but my child did not make sufficient progress or could not access instruction due to the virtual environment. → Unlikely
- Timing: You may have to wait to a full return from school to discuss recovery services




Compensatory Services

- The IEP was **not** implemented to the maximum extent possible.
 - Accommodations listed in the IEP were not provided. Examples:
 - lack of modified work
 - lack of multi-sensory where it could have been provided
 - failure to provide meaningful 1:1 adult support.
 - Push-in services not provided
 - Pull-out services not fully provided
 - IEP goals listed not addressed.



Compensatory Services

- The IEP was not appropriate. It did not sufficiently address all of my child's needs
 - No waiver to address the failure to make sufficient progress.
- Triennial was not completed without getting written parental consent.
- IEP was not timely developed



How to address Compensatory Education Now

- Do their job and gather the lack of progress data yourself.
 - iReady/Dibels scores and other informal evaluations, formal, goals and objectives repeated.
- Request an IEP meeting,
 - Request the presence of someone from Central Office
 - present the data, and request reimbursement for services for a specific amount of hours.
- Draft a Parental Input section laying out the failures to implement the IEP and the **resulting** lack of progress



How to address Compensatory Education Now

- If you're not successful
 - File for Due Process,
 - File an MSDE complaint,
 - call the Parent Response Unit.
- Reimbursement can be retroactive



Questions to ask about next year

- Think about whether COVID has caused the need for addition modifications.
 - Social skills, mask wearing, safety procedures.
- Will there be pods and how will it affect services?
- Will pull-out services be happening in person?
- When will the team meet to discuss recovery services and what are the options being considered for that?