

A stack of several books with colorful spines (green, blue, red) is visible on the left side of the page.

Students' Rights to Special Education During COVID-19 School Closures

While Governor Wolf has closed schools for the remainder of the school year, Act 13 of 2020 requires all Pennsylvania school districts to make a good faith effort to offer continuity of education to all students. The Pennsylvania Department of Education's Bureau of Special Education (BSE) issued [detailed guidance](#) on districts' obligations to students with disabilities during the school closures.

Below we summarize key points from BSE's guidance and provide tips on how to respond to "emergency NOREPs" and "waivers" of IEP services and/or other student rights. For additional information or advice specific to your situation, please call our help line: 1-800-692-7443.

What are school districts obligations to students with disabilities during COVID-19 school closures?

- School districts must work to ensure that students with disabilities are continuing to receive a free appropriate public education (FAPE) "as appropriate and reasonable for each student's circumstances."
- School districts may hold IEP meetings (virtually or by phone) as necessary and upon a parent's request.
- School districts are required, by Act 13, to issue "written notice" to parents of students with disabilities documenting the "school entity's plans for ensuring the student receives FAPE as required under the IDEA." School districts may use a NOREP (Notice of Recommended Educational Placement) to fulfill this obligation.
- Prior to issuing a written notice or NOREP, school districts should consult with parents (virtually or by phone) or hold an IEP meeting.
- The written notice / NOREP should document the services the school plans to provide -- including the type, duration, and frequency of services -- paying careful attention to specially designed instruction, related services, and transition planning.
- The written notice / NOREP should note that any adjustment to (or reduction in) services is due to COVID-19 related school closures and that the services previously outlined in the student's IEP will resume immediately when typical school operations resume.



What if I receive a NOREP reducing my child’s services without any indication that such changes are temporary?

- Consider adding, or asking your school district to add, the following statement to the NOREP: “The changes proposed by this NOREP were prompted by COVID-19 school closures and not by a change in the services [name of student] needs. These changes are temporary. When typical school operations resume, [name of student] will again receive the services outlined in the IEP that was in effect prior to the school closures.”
- Keep in mind that you should respond to the NOREP within 10 days. After 10 days, your school district will likely move forward with its proposal.

What if I receive an “emergency NOREP” proposing a drastic reduction in services that is not reasonable for my child?

- You are not required to agree. If you do not agree, return the NOREP within 10 days indicating that you disapprove. (After 10 days, your school district might move forward with its proposal if you have not expressed your disapproval). Request a phone call or meeting with your school district to discuss your concerns. If you cannot reach an agreement with your school district, though schools are closed, you can still request Mediation, Due Process, or a Hearing Officer Settlement Conference, through the Office for Dispute Resolution. More information about these procedures is available at: www.odr-pa.org.

What should I do if I receive an “emergency NOREP” or letter from my school district asking me to waive my child’s right to all services or waive my child’s right to compensatory education services when school resumes?

- We do not advise waiving your child’s rights. A NOREP asking you to waive your child’s services runs afoul of Act 13, which requires the exact opposite -- written notice in which your district describes its plan for ensuring that your child receives a free appropriate public education (FAPE). Please call DRP, or an attorney of your choice, for more advice specific to your student’s situation.

For additional information from PDE:

[Guidance on the Rights of Students with Disabilities from the Pennsylvania Department of Education, Bureau of Special Education](#)

[Guidance on Graduation from the Pennsylvania Department of Education](#)

[Answers to Common Questions from the Pennsylvania Department of Education](#)

Stay Connected

If you need more information or need help, please contact Disability Rights Pennsylvania (DRP) at [800-692-7443](tel:800-692-7443) (voice) or [877-375-7139](tel:877-375-7139) (TDD). Our email address is: intake@disabilityrightspa.org.

The mission of Disability Rights Pennsylvania is to advance, protect, and advocate for the human, civil, and legal rights of Pennsylvanians with disabilities. Due to our limited resources, Disability Rights Pennsylvania cannot provide individual services to every person with advocacy and legal issues. Disability Rights Pennsylvania prioritizes cases that have the potential to result in widespread, systemic changes to benefit persons with disabilities. While we cannot provide assistance to everyone, we do seek to provide every individual with information and referral options.

IMPORTANT: This publication is for general informational purposes only. This publication is not intended, nor should be construed, to create an attorney-client relationship between Disability Rights Pennsylvania and any person. Nothing in this publication should be considered to be legal advice.

PLEASE NOTE: For information in alternative formats or a language other than English, contact Disability Rights Pennsylvania at 800-692-7443, Ext. 400, TDD: 877-375-7139 or intake@disabilityrightspa.org.

Follow Us On Social Media

