



IEP Modification/Amendment or Individualized Continuity of Learning Plans: Preserving The Rights You and Your Child Have Under the Law (Brief Guide for Parents #2)

Disability Rights Maryland, a nonprofit organization, is the State's federally-mandated Protection & Advocacy agency created to advance the rights of persons with disabilities.

School systems are taking different approaches to developing continuity of learning plans for students with disabilities. Some are simply sending a plan to parents, others are convening calls and following up with a written plan, and others have not yet been in touch with parents. As a follow up to the Brief Guide previously distributed, DRM offers the following suggestions for parents when they receive notice or a plan outlining the services the school system is proposing to provide:

Ask yourself: Does this plan provide any of my child's IEP supplementary aids, services, program modifications or supports? Does this plan provide any of my child's related services? Will my child be able to access this learning plan? If not, what would help my child be able to learn while not in school?

If you agree with the learning plan, determine which of the following categories best describes your situation and use this suggested language to make sure you are preserving the rights that you and your child have in the special education process:

If your school prepares a written IEP modification/revision or written continuity of learning plan and asks you to agree:

Add the following language to the document: "I understand that I am agreeing to these changes only until schools reopen after the COVID-19 pandemic and my child's IEP becomes effective again, that my agreement is voluntary, and that I may revoke my agreement at any time. In agreeing to these changes, I do not waive my right to challenge the appropriateness of the services being offered, and I do not agree that these services constitute a free appropriate public education. I

reserve my right to seek compensatory services for my child when school reopens.”

If your school prepares a document and sends it to you without asking for your agreement or if the school offers services without preparing a document:

Send a message to the principal and IEP chair saying: “I do not waive my right to challenge the appropriateness of the services being offered to my child, and I do not agree that these services constitute a free appropriate public education. I reserve my right to seek compensatory services for my child when school reopens.”

If you do not agree with the plan, you should tell your school that you disagree with the plan and ask for an IEP meeting. You should make your request in writing.

Additional accommodations: Remote learning is new for everyone, and you may not know exactly what your child needs in order to benefit from education services presented this way. You may find over the next few weeks that something the team thought might work for your child is not as effective as everyone expected, or you may find that your child needs new or different accommodations to access this new and different way of learning. You should continue to share your observations with the team in the coming weeks and ask the team to make changes to your child’s plan if necessary. The plan must be individualized and should provide as much of your child’s IEP services as possible, even though those services are being provided differently.

Please feel free to contact Disability Rights Maryland’s intake line at 410-727-6352 with questions or concerns or if you need this document in an alternative format.