



Non-Traditional Instruction for Students with Disabilities Tips for Parents

The COVID-19 Pandemic has changed the face of work and education across the nation. The U.S. Department of Education and the Kentucky Department of Education (KDE) have both affirmed that a Free and Appropriate Public Education (FAPE) must be made available to students with disabilities on those days the district provides Non-Traditional Instruction (NTI) to students without disabilities. These agencies have acknowledged that the challenges of implementing FAPE through NTI will lead to violations of the FAPE requirement. Where FAPE is denied, the district will owe students compensatory education.

We don't yet know how KDE will determine or measure violations of FAPE. We advise parents to take the following steps to ensure their child—to the extent possible—receives FAPE through NTI while schools are closed and is positioned to receive compensatory education where districts have failed or have been unable to meet the FAPE requirement.

1. Communicate

The most important step you can take to ensure your child receives FAPE during the closure is to communicate with your child's team. Reach out to your child's teachers and service providers with any questions, concerns, or requests for information or support about academics, supports, services, modifications, and/or data collection. Let the team know if changes are needed. Contact your district's Director of Special Education if your questions aren't answered or your concerns aren't addressed. It is far better to work together to meet the FAPE requirement than to try to "fix" things later through compensatory education.

2. Review

Take time to review your child's current Individual Education Program (IEP). Review the goals, modifications, and related services. If you have questions about how your child's IEP is being implemented through NTI, request clarification from your child's team. Some IEPs already contain provisions for NTI.

3. Document

Document assignments sent home and completed by your child. Also, track your communications with your child's school team. If your child receives related services (PT, OT, Speech), document the amount of time and how those services are provided. See the back of this sheet for a sample form.

4. Negotiate

If you believe the NTI provided by your child's school is insufficient and you cannot resolve the issue through your child's team, request an ARC meeting. Your district may convene a virtual ARC and discuss if changes are needed to ensure FAPE. Other districts may delay ARC meetings and determine if compensatory education is appropriate. Be prepared to discuss the instruction, services, and/or accommodations the district provided your child through NTI.

5. File

If you cannot reach an agreement with your school, you can file a Complaint with KDE or file for Due Process.

If you have any questions about your district's provision of FAPE to your child during the closure, please feel free to contact Kentucky P&A at 502-564-2967, 800-372-2988, or www.kypa.net.

