

DISABILITY AND DISTANCE LEARNING DURING THE COVID-19 PANDEMIC

SANTA CRUZ COUNTY
COMMISSION ON DISABILITIES



Prepared by: Juliet Hayes
Research and Data Analysis Intern

Approved by: Richard Gubash and David Molina
Commission on Disabilities Liaisons

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Disability and Distance Learning
During the COVID-19 Pandemic

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Report Prepared by:

Juliet Hayes

Research and Data Analysis Intern

Report Approved by:

Dr. David Molina PhD., *Commission Chair*, District 5

Richard Gubash MS., *Commissioner*, District 3

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INTRODUCTION

PURPOSE

This project seeks to document the impact of the COVID-19 pandemic and distance learning on students with disabilities in both K-12 and post-secondary institutions to better inform future academic and community crisis response and Commission advocacy priorities.

BACKGROUND

On March 17, 2020, the County of Santa Cruz issued a Shelter-In-Place Order in an effort to curb transmission of the COVID-19 virus during the pandemic. This necessitated a rapid pivot to distance learning for both public and private schools throughout the County. Although all students were greatly affected by the shift, students with disabilities were among the most likely to experience learning loss and skill regression when brick and mortar instruction was disrupted¹.

Because students with disabilities make up a sizable portion of the community the Commission serves, the Commission was interested in learning about the unique barriers that these students experienced both with distance learning and school re-opening safety protocols during the pandemic, the strategies implemented to address those barriers, and their perceived success.

In September 2020, the Santa Cruz County Commission on Disabilities authorized Research and Data Analysis Intern Juliet Hayes and County Staff to work with Commission liaisons Chair David Molina and Commissioner Richard Gubash on a project exploring the impact of distance learning during the pandemic on students with disabilities.

GOALS

The project was initially conceived to investigate the potentially disparate impact of distance learning on students with disabilities, with a view to identifying efforts to mitigate that impact and compiling best practices as a resource for students, parents and educators. The intention was to inform Commission advocacy during the pandemic to best support students with disabilities and to provide community education and creative solutions for parents and teachers.

Over time, it became evident that the landscape was shifting too rapidly to allow for informed, timely and effective advocacy during the current pandemic. At that point, the

focus of the project shifted from an emphasis on informing Commission advocacy during the pandemic to an emphasis on documenting the events, efforts and experiences of teachers, parents and students during the pandemic.

The following report documents the efforts and experiences of educators, parents and students with disabilities with a view to informing parent and educator strategies, Commission advocacy and County resource allocation in support of students with disabilities during future events necessitating distance learning.

METHODOLOGY

Initial K-12 data collection was structured around Special Education Local Plan Area (SELPA) guidelines which align with those established by the California Department of Education (CDE). In consultation with SELPA leadership, an online survey was developed to capture data related to K-12 educator implementation of these guidelines. Special education administrators at the district level were asked to complete the survey and participate in follow-up interviews as needed to supplement collected data.

An anonymous online parent survey was developed to capture firsthand experiences of students with disabilities and their families. A flier asking parents to participate was distributed to more than forty community partners, with a request that they share the flier with the communities they serve. The flier was also shared on social media and with special education administrators for the schools. Most survey questions were multiple



choice with room to include additional information in the comments. Remaining questions were open-ended, allowing participants to describe their experiences in their own words.

Data collection at the post-secondary level included interviews with disability resource administrators from four local colleges (UCSC, Cabrillo, CSUMB and Santa Clara University) most likely to serve County college students.

Finally, the study draws on national, state, and local policies and guidelines as well as recommendations put forward by advocacy groups across the country to better inform key findings and identify best practices.

Data from all of the resources mentioned above was considered using a thematic analysis framework to identify patterns or themes. Identified overarching themes were further illustrated by incorporating specific anecdotal examples into the narrative describing both gaps and the innovative solutions schools developed to address them.

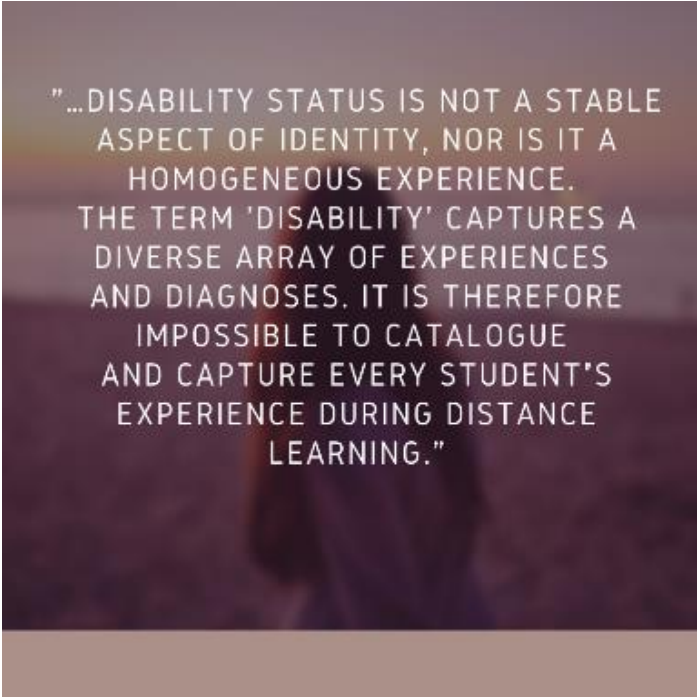
BARRIERS

The development of this report has been impeded by several factors. Two school districts declined to participate, representing 12% of the K-12 students in Santa Cruz County. Further, the landscape of how schools adapted to distance learning was constantly shifting. As the County experienced fluctuations in the severity of the outbreak, schools constantly adjusted reopening dates and instruction constantly vacillated between cohorting, distance learning, and a hybrid of the two for the Special Education students.

The California Department of Education (CDE), California Department of Public Health (CDPH), US Department of Education, and The Center for Disease Control (CDC) continued to revise their guidelines and policies for schools as more was learned about transmission of the virus and the COVID-19 vaccine rollout progressed.

The constant variability required schools to continuously adjust their policies and safety protocols, so that data collected reflects only snapshots of what was being done at the time of the interview.

It is also important to note that disability status is not a stable aspect of identity, nor is it a homogenous experience. The term “disability” captures a diverse array of experiences and diagnoses. It is therefore impossible to catalogue and capture every student’s experience during distance learning.



"...DISABILITY STATUS IS NOT A STABLE ASPECT OF IDENTITY, NOR IS IT A HOMOGENEOUS EXPERIENCE. THE TERM 'DISABILITY' CAPTURES A DIVERSE ARRAY OF EXPERIENCES AND DIAGNOSES. IT IS THEREFORE IMPOSSIBLE TO CATALOGUE AND CAPTURE EVERY STUDENT'S EXPERIENCE DURING DISTANCE LEARNING."

While the report aims to offer broad strokes identified by administrators and parents, it by no means offers an absolute or complete picture of the vast array of student experiences.

Despite these barriers, it is important to document some of the unique challenges students with disabilities faced during this difficult time and some of the ways in which educators rose to meet those challenges.

Understanding the gaps, strategies and successes will help to inform future advocacy on behalf of the disabilities community and offer new perspectives on how we can best imagine and achieve an even more equitable and inclusive education for all.

LEGAL UNDERPINNINGS OF DISABILITY EDUCATION

The two primary laws prohibiting discrimination against K-12 and post-secondary students are the Americans with Disabilities Act (1990)² and Section 504 of the Rehabilitation Act of 1973 (Workplace Investment Act). These civil rights laws ensure the right to equal access to education for students with disabilities³. Additionally, the Individuals with Disabilities Act (IDEA), an educational benefit law, provides K-12 students with more expansive services and accommodations than students who are just protected by ADA and Section 504 (which includes all post-secondary students). In order to understand how the pandemic has impacted access to education for students with disabilities, it is important to understand the basic tenets of these laws and how they apply at their respective educational levels.

K-12 STUDENT DISABILITY RIGHTS & PROTECTIONS

At the K-12 level, the rights of students with disabilities are protected by the Individuals with Disabilities Education Act (IDEA). IDEA is a federal law mandating schools to provide all students with disabilities a “Free and Appropriate Public Education” (FAPE) by identifying all students with disabilities and providing them with special education and related services based on their individual academic needs.

To be considered appropriate, academic programs for students with disabilities must be designed to meet their individual needs to the same extent that the needs of students without disabilities are met by offering them specialized instruction that provides educational benefit and improvement.

Under IDEA, the rights of parents are also protected in important ways, by legally ensuring that they have a role in the education of their child through procedural safeguards such as the right to participate in all meetings about their child’s education and the right to affirm or deny consent for their child’s participation in any special education services⁴. Schools are required under IDEA to document their compliance, allowing states to monitor compliance in several ways. States may conduct due process hearings, schedule in-person visits, and review data on how students with disabilities are progressing in relation to their general education peers.

Individual Education Plans (IEPs) provide the basis for special education and related services to which K-12 students with disabilities are entitled. IEPs are carefully constructed legal documents designed in collaboration with some combination of the following stakeholders: parents, teachers, school administrators, and special service providers (such as speech therapists). IEPs detail provisions to meet the educational needs of the individual such as curriculum modifications, classroom accommodations, specialized instruction, medical diagnostic services and related services (e.g., occupational, physical, and speech therapy) necessary to the child’s education.



Under IDEA, if students are denied or miss out on special education services, they are entitled to compensatory services.

Compensatory measures are administered on a case-by-case basis and may include provisions such as extended school-year operations, reimbursement of costs for private tutoring and/or services or doubling weekly services.

These measures are designed to ensure that the student is in the same position they would

have been in had it not been for deficits created by the denial of FAPE.

Because skill loss and learning regression has been a substantial concern during COVID-19, there will almost certainly need to be some provision of compensatory services for some students once schools resume in-person instruction.

While IDEA is an educational benefit law, meaning it offers additional services and protections to students with disabilities that are not afforded to students without disabilities, Section 504 is civil rights law ensuring that barriers to equal access for students with disabilities are eliminated.

Section 504 has a more expansive definition of disability - allowing students who don't qualify for services under IDEA, (e.g., students with learning disabilities like ADHD) to receive additional school support. These qualifying students are not entitled to an IEP (which would give them specialized instruction), but they are entitled to a 504 plan⁵.

A 504 plan is a less comprehensive document stipulating the accommodations and services to which a student is entitled but not requiring academic improvement⁶ through tangible goals as an IEP would.

SPECIAL EDUCATION LOCAL EDUCATION AREAS (SELPA)

In 1974, the California State Board of Education created the *California Master Plan for Special Education* to implement IDEA and provide a comprehensive, statewide model for the provision of special education⁷.

Under the Master Plan, small and medium-sized school districts joined together to form service regions (called "Special Education Local Educational Areas" or SELPAs) in order to "deliver high quality special education programs and services to students with disabilities in the most effective manner practicable"⁸.

In Santa Cruz County, there are two SELPAs in charge of the special education policies and service delivery: Pajaro Valley SELPA and North Santa Cruz County SELPA. Both SELPAs were involved in this project, with North Santa Cruz County SELPA Director Jessica Little consulting throughout and Pajaro Valley SELPA Director Heather Gorman participating in the survey.

POST-SECONDARY STUDENT DISABILITY RIGHTS AND PROTECTIONS

Once a student reaches college, they are no longer entitled to the same protections as they had been under IDEA. Instead, their rights are outlined exclusively in Section 504 of the *Rehabilitation Act of 1973*, which guarantees that students with disabilities receive equal access to education. Section 504 diverges from IDEA in several important ways that make provisions for college students very different from those ensured in K-12. For example, under IDEA, the onus is on the school to provide adequate and unbiased testing in order to identify students with disabilities. In higher education, students must identify *themselves* to the school by seeking out accommodation services and often providing recent documentation in support of their claim. Additionally, students are no longer entitled to a Free and Public Education (FAPE), as post-secondary education is considered voluntary and requires payment of tuition, as opposed to the K-12 education which is mandatory and afforded to all students. Because of this, students with disabilities applying for college must be “qualified individuals” meaning they must meet the same standards of admissions as students without disabilities in order to be admitted⁹.

“STUDENTS WITH DISABILITIES APPLYING FOR COLLEGE MUST BE 'QUALIFIED INDIVIDUALS' MEANING THEY MUST MEET THE SAME STANDARDS OF ADMISSIONS AS STUDENTS WITHOUT DISABILITIES IN ORDER TO BE ADMITTED”

Section 504 stipulates that post-secondary programs must ensure that the programs that they offer are accessible to students with disabilities through “reasonable accommodations”. This legal standard requires that programs make adjustments to “practices, policies, and procedures” to accommodate students with disabilities, unless doing so would “fundamentally alter” the nature of the program or subject the school to an undue financial burden.

While an IEP can provide for a curriculum specifically designed to meet the needs of an individual student, including benchmarks, tangible goals and learning outcomes distinct from those of their general education peers, accommodations provided by post-secondary institutions do not change essential elements of the curriculum or the academic standards of a course. Accommodations at the post-secondary level exist to eliminate or reduce disability-related barriers in course design and provide other ways to complete course requirements, but the expected learning outcomes for all students are the same. Measures to reduce disability-related barriers may include accommodations such as academic adjustments, auxiliary aids, or additional time allowed during testing.

SECTION 508, TITLE 5, AND DISTANCE LEARNING

Section 508 of the *Rehabilitation Act of 1973* is also pertinent to this report, as it outlines online accessibility standards to which all “federal agencies, contractors, and employers” must adhere¹⁰. While the language does not explicitly reference educational institutions, federal funding is tied to compliance and therefore most universities and school districts strive to uphold these standards. Even before the pandemic, Title 5 of the ADA outlined the ways that distance learning courses must fulfill the requirements of section 508 and ensure that online courses and websites used are accessible. Requirements include specification related to “media, format, alternate descriptions, color, tables, html code, and image maps”¹¹.



ELEMENTARY AND SECONDARY EDUCATION (K-12)

K-12 DISTRICT SURVEYS

To gauge K-12 public school educator experiences, we administered an online survey to Special Education administrators from each of the public school districts in the county. Survey questions were based on SELPA guidelines outlined in the *Santa Cruz City Schools' Reopening Plan*, as approved by the Santa Cruz City Schools Board of Education District School Board on June 24, 2020¹². While the SELPA guidelines were helpful, they are not comprehensive and occasionally use vague language open to interpretation. For example, "Consider the differing requirements of PPE/EPG for the differing populations of students with disabilities (i. e., for those requiring medical procedures, toileting, lifting and mobility assistance)" does not describe the scope of consideration nor does it detail how instructional planning could tangibly be changed in order to address those needs.

While the *Santa Cruz City Schools' Reopening Plan* represents only one district, the report specifies that these considerations were uniform across all of the member districts of SELPA. The guidelines align with those provided by the California Department of Education as outlined in their report "***Stronger Together***. A Guidebook for the Safer Opening of California's Public Schools" published June 8, 2020¹³. The *Stronger Together* guidelines include four additional recommendations related to provision of a free and appropriate public education (FAPE), which the Santa Cruz City Schools' report did not. That said, it became clear in survey responses that the school districts were actively thinking about the issue at the time of this report and the *Santa Cruz City Schools' Reopening Plan* contained language establishing FAPE during this time.

The survey included 13 questions (included in Appendix A), seven of which were multiple-choice with room for additional comment and 6 of which were open-ended questions. The questions were designed to gather data on which SELPA/CDE guidelines had been implemented, which presented barriers or proved difficult to implement, and which policies or practices beyond those recommended by guidelines had been successful. Survey questions were further informed by innovative policy recommendations as outlined by national advocacy organizations such as the American Pediatrics Association, the NAACP, and the National Disability Rights Network. These recommendations improved upon those provided by the CDE with additional provisions related to respite care and compensatory services to ensure that equitable access considerations are embedded in school reopening planning. The final survey incorporated not only State and County guidelines, but also included advocacy perspectives to help identify gaps in general education guidelines.

Ultimately, eight of the ten Santa Cruz County school districts participated in the survey, representing 88% of the County's K-12 students. In order to encourage candid responses, all data

was aggregated, and no district-identifying information was used in findings. Some online survey responses were supplemented with follow-up phone interviews with respondents as appropriate. Additionally, general interviews were conducted with both local area SELPA Directors.

EIGHT KEY AREAS OF INTEREST

Analysis of district survey responses yielded information in eight key areas of interest defined by both California Department of Education and SELPA guidelines. The eight areas of interest included adherence to CDC guidelines; provision of in-home support services; provision of cohorts; adjustments to IEP services; provision of compensatory services; provision of a “least restrictive environment”; provision of parental support; and coordination of English as an Additional Language (EAL) and Special Education (SPED) services.

Findings in each of the above-mentioned areas reveal the complexities experienced by stakeholders as districts employed differing approaches to implement SELPA guidelines with varying success. This report will highlight those complexities, including strategies and the motivation behind them, as well as challenges and their solutions. Additionally, findings will include additional information provided by guidelines and position papers from various advocacy organizations and policy elements (primarily statewide) that could mitigate challenges going forward. It is important to reiterate the individualized nature of K-12 education, and, while this report summarizes general challenges and anecdotal silver linings, even standardized SELPA guidelines have been interpreted differently by each institution and applied in a manner that is specific to each student’s unique needs.

An important element that remained consistent across all of the areas of interest is increased impact of distance learning on students with intersecting needs. As much as possible, this report will emphasize an intersectional framework and call attention to the various ways in which these intersecting factors, particularly that of socioeconomic status, have compounded inherent challenges.

AREA OF INTEREST: ADHERENCE TO CDC GUIDELINES

Challenges: CDC guidelines (e.g., social distancing, mask wearing, and daily health screenings) for in-person learning present difficulties for some students with disabilities.

Strategies: For safety and acclimatization, schools provided additional PPE, modified health screening routines and developed curricula (e.g., use of social stories) to address students' social & emotional needs.

The Commission on Disabilities Encourages:

- ✓ Schools to share their successful strategies with other schools facing similar challenges.

It is important to understand how educators navigate situations where students with disabilities are unable to adhere to CDC transmission prevention guidelines such as social distancing, wearing masks, and administering daily health screenings. There are many instances where CDC guidelines could present complications for students with disabilities. Some examples include students with sensory sensitivities that might preclude their wearing a mask, students needing

assistance with toileting procedures or students experiencing behavioral episodes that require physical intervention by staff to prevent injury, both of which would make social distancing difficult if not impossible.

California Department of Public Health (CDPH) guidelines specify that people with disabilities who are unable to wear masks should be exempt from mask requirements regardless of setting¹⁴. The California Department of Education (CDE) further clarified that students with disabilities cannot be excluded from schools because of their inability to wear a mask¹⁵. However, this may present health and safety issues for staff and other students, and it is important to understand how schools balance protecting their staff while also providing the necessary support to their students.

Five of the eight school districts indicated that they partially mitigated the increased risk by providing additional PPE (beyond masks) for all specialists and students, including, but not limited to providing face shields, plexiglass barriers, gowns, and N95 or higher-level respirators, as well as providing larger spaces in instances where a student cannot wear a mask. Districts also consistently assess and modify behavior-intervention plans and IEP programming to reduce physical prompting strategies except where absolutely necessary. With teachers included in Phase 1B of the County's vaccination distribution plan, this issue does not carry the same level of concern as it did when the survey was initially designed, although it should continue to be monitored.



One district indicated that they are working specifically on acclimating students with disabilities to the behavioral and social-emotional aspects of CDC guideline implementation. SELPA leadership confirmed that this strategy is being implemented across all school districts. For example, students who have difficulty wearing masks are given instruction on mask desensitization remotely, so students get practice wearing masks before returning to in-person learning. Districts continue to work with behavioral support staff to come up with additional ways to help students tolerate masks when they return to in-person learning, including the use of sensory friendly masks for students with sensory processing difficulties.

Schools are also working on mitigate the anxieties students with disabilities might experience during routine temperature checks. While the CDC recommends that students should have temperature checks before entering the school, this can prove difficult for many students with disabilities for a variety of reasons, including their being averse to sound or touch, having anxieties about waiting in lines, or disrupting routine for very routine specific students. Schools are planning to provide alternative entrances to avoid lines as well as developing specific routines implemented by the same person each time so that students can acclimate to new, but predictable, routines.

The districts have also begun integrating social stories for wearing masks, getting temperature checks, maintaining distance, and other CDC guidelines into the curricula. Social stories are written narratives accompanied by pictures that illustrate situations and how the child can deal with them especially in cases where the situation is new or novel. Using social stories for new routines such as wearing masks and undergoing temperature checks can help facilitate a

student's understanding of why these new situations are being put into place and can help mitigate anxiety for students who have disabilities that can make them anxious or frustrated when new routines are introduced. Incorporating these CDC guidelines into teaching sequencing has been reported as successful for some students and offers a way of balancing the need for health and safety with the need to support students who might struggle with complying to the guidelines.

AREA OF INTEREST: PROVISION OF IN-HOME SERVICES

Challenges: Students couldn't access higher levels of support (e.g., 1:1 paraprofessional support, care teams, etc.) at home, particularly students from low-income families.

Demand for private support exceeded supply. School-provided in-home support was deemed unsafe for staff and families.

The pandemic exacerbated the need for respite care, with children home all day.

Strategies: County Office of Education (COE) determined that cohorting was safer than school-provided in-home paraprofessional support. It did not address the lack of 1:1 support.

School staff remain attentive to income/resource disparities between students, in order to provide equitable services, with some schools providing 1:1 online aides for tutoring. Subsidized respite care is available through Supplemental Security Income & Medi-Cal.

The Commission on Disabilities Supports:

- ✓ Policies, programs and legislation that provide free respite care for families including provisions described in President Biden's "American Jobs Plan" that expands Federal funding for the care work sector.

For some students with disabilities, the transition to distance learning was more difficult because of the loss of access to their care team. Students needing increased support (e.g., non-ambulatory or non-verbal students or students who exhibit aggression or self-injurious behaviors), often have an entire team of staff at school to support their needs. During distance learning, however, a single parent may be asked to provide this level of support and manage these behaviors at home. This can be incredibly difficult for one person, particularly if they are simultaneously working from home. Parent survey data confirmed that the lack of support staff, particularly for managing behavioral issues, has greatly impacted some students' ability to make meaningful progress on their IEP goals.

Some national advocacy organizations, including the National Center for Learning Disabilities, have encouraged schools to provide 1:1 in-home support once small gatherings become permissible under local health department directives. However, although California health advisories have allowed small gatherings at various points during the pandemic, Santa Cruz County schools determined that providing in-home services would present too much liability and risk to both staff and families of students.

The risk of in-home services is much greater because schools have more control over the environment in their own facilities than they would have in students' homes. All school buildings undergo mandatory inspections and environmental assessments to ensure that factors like HVAC air circulation, spacing, etc. meet CDC standards. In addition, health screenings are given to all persons entering the school. These safety procedures would be impossible to enforce in private homes,

which would pose a health and safety risk, particularly for multigenerational households or those with immunocompromised residents.

The County Office of Education (COE) determined that cohorting is a much safer alternative for all concerned because it allows schools complete authority over environmental safety procedures, number of participants, and the establishing of stable pods. These protocols minimize exposure in a way that would not be possible for in-home settings. It should be noted that cohorting does not compensate for the lack of 1:1 in-home services and is considered a stopgap at best.

When Santa Cruz County was assigned more restrictive tiers in the State's *Blueprint for a Safer Economy* framework and cohorting was suspended, the need for in-home support posed a huge challenge for some families. Data from the parent survey revealed that some schools attempted to mitigate this by providing 1:1 aides online for tutoring, which some parents identified as one of the most successful strategies for their children. Despite this model working for some students and their families, other parents expressed that their children suffered from not receiving 1:1 support that was in-person, especially those who receive behavioral support in the brick-and-mortar setting.



While some families had the resources to hire 1:1 paraprofessional support during the pandemic, many did not, highlighting the difficult reality that access to available services for people with disabilities often fractures along socio-economic lines. Further, anecdotal evidence from parent survey responses indicated that even families with the financial resources to hire private 1:1 paraprofessional support were unable to access it due to increased demand. One parent reported that when they tried to hire a private ABA therapy provider, all of the companies they contacted informed them that they could not offer help during school hours. One parent emphasized the difficulty, remarking "The stress it put on my family was incredible and we tried hard".

Although respite care is not directly administered by school districts, the pandemic revealed a widespread need for provision of these services at low or no cost to families. 211 Santa Cruz County was able to provide information on available resources for subsidized care, including Supplemental Security Income and Medi-Cal, both of which provide respite care for low-income families, including pay for family member caregivers for children with disabilities.

*"THE STRESS IT PUT ON MY FAMILY WAS INCREDIBLE
AND WE TRIED HARD"*
-PARENT SURVEY

California's long-term shortage of in-home caregivers has been exacerbated by the pandemic, which further complicated the difficulty parents of children with disabilities experienced during distance learning. President Biden has indicated that this is one of the top Federal policy priorities in his "American Jobs Plan" released in March of 2021. His plan to fortify the caregiver infrastructure involves allocating \$400 billion to the care economy to expand access to in-home care for seniors

and people with disabilities. In addition, President Biden is urging congress to expand long-term in-home care for these populations under Medicaid, which would ameliorate the disparities in access to this care going forward. While this plan has not yet been formally introduced to congress, in September of 2020 the “Care Corps Demonstration Act” was introduced in the Senate to provide grants to local Care Corps programs that would expand the care workforce to provide in-home assistive services to seniors and people with disabilities¹⁶. This indicates that even before the Biden administration, there was already political will for investing in our care infrastructure, and hopefully indicates that the implementation of the “American Jobs Plan” will be readily accomplished by Congress.

AREA OF INTEREST: PROVISION OF COHORTS

Challenges: Both faculty and some parents of medically fragile children are reluctant to return to in-person instruction.

Maintaining both distance and in-person classrooms simultaneously greatly strains faculty resources.

Administering additional services by removing students from classrooms destabilizes previously stable cohorts.

Parents destabilize cohorts by supplementing school services with daycare or after school care.

Strategies: At the time of this report, a Northern California Court ruled in favor of protecting a parent's right to opt out of in-person learning for their child and clarified that schools must continue to offer distance learning options.

Districts use remote platforms for small groups and schedule distance learning/in-person days for 1:1 services.

The Commission on Disabilities Supports:

- ✓ Policies, programs and legislation designed to allocate the necessary funding required for schools to provide resources/staffing required to maintain both in-person and distance learning at least until a pediatric vaccine becomes widely available.

The California Department of Education (CDE) defines cohorts as:

“a stable group of no more than 14 children or youth and no more than two supervising adults (or a configuration of no more than 16 individuals total in the cohort) in a supervised environment in which supervising adults and children stay together for all activities (e.g., meals, recreation, etc.), and avoid contact with people outside of their group in the setting.”

According to the most recent guidance from the California Department of Public Health (CDPH), K-6 schools are allowed to return in cohorts even when counties are in the purple tier as long as their “average adjusted case rate” is below 25 cases per 100,000 population per day in that county, their test positivity rate is under 8%, and they file a Covid-19 Safety Plan. As of April 29, 2021, Santa Cruz County meets these requirements. Previously published guidance required counties to be in the red tier before reopening schools for in-person education, even in cohorts.

Governor Newsom allocated additional State funding to schools who reopen all K-12 classrooms and cohorts for the most impacted student populations *in all grade levels*, including students with disabilities. The prospect of additional funding further motivated County schools to prioritize reopening, though cohorting had been implemented in Santa Cruz County schools as early as September 2020. CDE cohorting guidelines published on August 24, 2020, specified that students

with disabilities should be prioritized in the creation of cohorts and provision of targeted services. Complete reopening schedule timelines are available for all Santa Cruz County school districts¹⁷.

Survey responses made it clear that cohorting or “soft re-opening” could be controversial, with both parents and teachers expressing apprehension about returning to in-person learning, even in small, stable pods. Some districts described difficulty convincing staff that cohorts and hybrid models were safe. In at least one district, a teachers’ union *Memorandum of Understanding* (MOU) stipulated that all returning to in-person teaching (specifically before vaccination) was on a voluntary basis. While some teachers were willing to return, others declined for health and safety reasons.



**“IF I’M POOR AND I DON’T
HAVE THE RESOURCES TO
SPEND FOR CHILDCARE OR
TO MAKE SURE MY CHILD IS
LEARNING AT HOME,
WHAT CHOICE DO I REALLY
HAVE [IN SENDING MY CHILD
BACK TO SCHOOL]?”**

**-KHULIA PRINGLE,
EDUCATION OUTREACH
COORDINATOR FOR
AMERICORPS¹⁸**

Some school districts encountered logistical issues when implementing cohorting. For example, students with disabilities often need to leave classrooms for additional services (e.g., small groups, 1:1 speech or occupational therapy, etc.) which destabilizes the previously stable group of 16 or fewer students.

Districts have implemented a variety of innovative solutions to address this issue, including using a remote online platform such as Zoom for small groups and scheduling distance learning and in-person days for students so that students can receive 1:1 services without disrupting the cohorting parameters.

That said, schools have limited control in terms of cohorts. Many parents have had to supplement school services with daycare and after school care, thereby exposing children to others than those in their household and expanding the “pod” of the cohort.

Three districts surveyed expressed difficulty in getting parents to trust cohorts for their own health concerns. One district reported that ninety percent of their Special Education families declined in-person services, opting instead to provide their own full-time child care. This further illustrates the complexities engendered by economic privilege and its relationship to school reopening concerns.

Various factors influence whether reopening schools for in-person instruction is a desirable option for individual families. These factors include whether families work from home, the extent to which they are able to support their child's distance learning and whether they can afford child care, among others.

In an Op-ed about the educational inequities and the privilege of keeping children at home, Khulia Pringle, an education outreach coordinator for AmeriCorps in Minnesota, put it succinctly: "If I'm poor and I don't have resources for child care or to make sure my child is learning at home, what choice do



I really have"¹⁸. Data from the parent survey confirmed the truth of this, with the majority of respondents indicating that their work schedule interfered with their ability to assist their child during distance learning. One parent stated that the level of at-home support their child needed was so great that they had "no choice" but to send their child back to school.

Additional interviews revealed that parental support for reopening and cohorts shifted as the County toggled between red and purple tiers repeatedly and their comfort-level adjusted accordingly.

In order to honor parent concerns, school districts continue to provide cohorts and hybrid learning models when possible and protect opt-out options as required by the CDE. It will be important to maintain this level of flexibility for the foreseeable future, at least until a pediatric vaccine becomes safe and widely available for children under the age of 12.

The Council of Parents Attorneys and Advocates (COPAA) outlines a ruling in *Lain v. Pleasanton* (2020) that protects a parent's option to opt-out of in-person learning for their child. In *Lain*, it was determined that even when a local education agency (LEA) has resumed full in-person instruction, a family can still opt to keep their child at home and remain entitled to access all distance learning elements which must continue to provide a free appropriate public education (FAPE).

With some students returning to the brick-and-mortar model and others opting for distance learning, school staffing has become increasingly difficult. Maintaining both options essentially requires twice the staff to serve the same number of students.

It is imperative that local government and school administrators express support for policies, programs and legislation designed to provide the resources and staffing required for both in-person and distance learning for the foreseeable future.

It is imperative that local government and school administrators express support for policies, programs and legislation designed to provide the resources and staffing required for both in-person and distance learning for the foreseeable future.

AREA OF INTEREST: INDIVIDUALIZED EDUCATION PROGRAM SERVICES

Challenges: Larger school districts serving students with higher service needs experienced more challenges in implementing distance learning.

Individualized Education Program (IEP) services that worked during in-person learning were not necessarily effective during distance learning.

Once schools shifted to distance learning, some IEP goals that were feasible in the brick-and-mortar setting were no longer reasonable to meet.

It was extremely difficult to preserve social/emotional wellbeing and progress on social goals during distance learning.

The pandemic could exacerbate disproportionate representation of students of color and low-income students identified as having a learning disability because of socioeconomic and other factors impacted a student's ability to learn in a distance learning framework.

Strategies: Schools identified students most at risk for learning loss and skill regression and prioritized them for placement in cohorts and the provision of in-person services.

Schools and parents exhibited great flexibility and continuous communication about informal adjustments to IEP services to meet student and family needs during the crisis without impacting the long-term service footprint. Reportedly, collaboration between educators and parents was an unprecedented and inspirational experience.

Psychological services were extended to all children, with or without IEP or 504 plans.

Schools remain sensitive to disproportionality during the pandemic and plan to provide additional services to all students, with or without IEPs

Senate Bill 98 (July 1, 2020) requires IEPs to incorporate distance learning contingency plans in preparation for "Emergency Conditions" to formalize elements of contingency planning already underway.

The Commission on Disabilities Supports:

- ✓ Continued collaboration and engagement between parents & IEP team.
- ✓ Policy, programs and legislation providing expanded psychological services to students during and after reopening.
- ✓ "*Child Find*" strategies that ensure students (esp. students of color and low-income students) are not misidentified as having learning disabilities when their learning loss was caused by other pandemic-related factors.
- ✓ Supports continued collaboration & engagement between parents & IEP team members.

Individualized Education Programs (IEPs) are required to set "challenging goals" for students, regardless of the pandemic and its impact. If a parent, teacher or member of a student's care team is concerned that a child is not making meaningful progress, they can request an interim

IEP meeting before the regularly scheduled annual meeting. As Santa Cruz County school districts implemented new CDE provisions pertaining to amending IEPs for distance learning, they worked proactively with students and parents to prevent learning loss and skill regression during the transition.

Students who have higher support needs are generally served by the larger school districts, as these students are moved from small districts to the districts in the county that have more robust Special Education programs better equipped to meet their needs. Consequently, these larger districts experienced a greater disruption in their ability to serve students with disabilities than that evidenced by smaller school districts.

A single-school district surveyed indicated that 100% of their students with disabilities were enrolled in the Resource Specialist Program which is generally reserved for students with mild to moderate learning disabilities. They reported that all students with disabilities in their school had: met all of their IEP goals; met with their specialists one-on-one, fulfilled 100% of their service minutes; and held all of their annual and triennial IEP meetings within established timelines.

Larger school districts serving students with higher support needs found distance learning more challenging. In response, they identified and prioritized these students in the development of cohorts and the provision of in-person services. One district reported developing a rubric based on engagement, attendance, and progress on goals to identify students needing higher levels of support so they could prioritize them. Districts are carefully assessing the assistive technology, support, resources (including student and parent training) and services needed so students with disabilities can continue making progress on IEP goals and access the general education curriculum.

Regardless of staff availability, not all types of care transfer well to alternative teaching models. The efficacy of alternative teaching models is particularly dependent upon the level of support and resources available at home. For example, many parents who are essential workers in low-paying, front-line positions have been unable to work from home for the duration of the pandemic. Examples include parents in agriculture, hospitality, retail, manufacturing, construction, food service, healthcare workers, front office staff, caregivers, and public transit workers, just to name a few. Parents in these fields were not given time off and could not perform their duties from home, so could not provide the support (instruction, technical assistance, being available to attend remote classes with them, etc.) their children with disabilities needed for distance learning. Many children with disabilities were also not able to take advantage of one-on-one or small group in-person services, even when available, because of transportation barriers, as even parents working from home found it difficult to drive their children to one-hour appointments.



Survey data reflected how important flexibility was to successfully adjusting IEP services in the wake of near constant changes to circumstance. In order to pivot in and out of distance learning, some districts determined that the most efficient strategy was to meet with parents to adjust service schedules procedurally, but not formally. For example, the parents of a student with a 400-minute instructional day would meet with school staff who took structured, detailed notes to determine whether it had been successful and, if not, would work with them to develop an appropriate, attainable alternative plan. Throughout, they took care to ensure that a student's service footprint was not downgraded in any way and that the IEP remained fully intact. Instead, SPED staff consulted with parents and kept thorough records of temporary modifications to the schedule as was practical for and specific to a distance learning model. Parent survey data reaffirmed that all parents who were offered the option of meeting with IEP teams to adjust benchmarks, goals, and timelines found this process incredibly helpful. All parents surveyed who were not offered this option indicated that it would have been helpful to them.

Data also revealed that certain IEP learning goals were easier to maintain during distance learning than others. For example, speech and language goals are more difficult to teach in-person because of the mask requirements, but remotely, on a video platform, students could clearly see the movements of their speech therapist's mouth, rendering it one of the most successful services to transition to distance learning.

Preserving social and emotional wellbeing and the ability to progress toward social goals were



among the greatest challenges for students with disabilities in a distance learning framework. Social goals, including the development of skills such as flexibility or making requests, can sometimes be esoteric when explained by a therapist and practiced by the student in a sterile 1:1 environment. Prior to the pandemic, students working on these skills could practice in a small group setting and then immediately go on to execute what they've learned in a classroom setting or during recess. While 1:1 rehearsal with a service provider or interaction with a small group on a remote learning platform are being offered, it has become increasingly clear that the organic interactions in a brick-and-mortar setting offer the most effective feedback and the best opportunity for students to learn the skills needed to reach social emotional goals.

Recognizing the incredible increase in mental distress for all students, school districts reported going beyond formal IEPs to expand psychological services and provide additional counseling. Although these services are often included IEPs under social and emotional learning, during the pandemic the County Office of Education extended these resources to all students with or without IEP and 504 plans.

Throughout the pandemic, schools continued to assess new students, fulfilling their "child find" obligation. They report that this will continue to be prioritized when schools fully reopen for in-person instruction. Many advocacy groups emphasize the importance of protections against exacerbating disproportionality, which is the over-representation of students of color and low-income students that are identified as having a disability. Some students will have been more

impacted by distance learning than others because of socioeconomic conditions or other factors attendant to the pandemic, so a lack of learning over the past year should not automatically be considered as evidence of a learning disability. Some high-quality intervention must be made available to support students disproportionately impacted by the pandemic, rather than funneling them into SPED. All data collected indicates that Santa Cruz County schools are sensitive to this issue and plan to provide additional services to all students (not just those with IEPs) who have experienced learning loss during this time.

Above all else, almost every district emphasized the incredible degree of collaboration between educators and parents during this historic and totally unprecedented experience. The process of working together to adjust IEP services to meet a student's changing needs was consistently described as "inspirational", "innovative", and "growth". Educators believed that the dynamic had deepened the relationship between teachers and parents and expressed a desire for the dynamic to continue beyond the crisis. Two-thirds of parents surveyed rated the increased communication during this time as "extremely helpful".

Conversely, parents who felt a lack of communication on their child's IEP experienced frustration and did not feel as supported. One parent felt that the onus of convening the IEP team should be on the schools, rather than the parents when a child is not meeting goals. Hopefully, the increased collaboration and communication between educators, aides and parents will set a new standard for parent-teacher engagement beyond distance learning.

"THE PROCESS OF WORKING TOGETHER TO ADJUST IEP SERVICES TO MEET A STUDENTS CHANGING NEEDS WAS CONSISTENTLY DESCRIBED AS 'INSPIRATIONAL', 'INNOVATIVE', AND 'GROWTH'"

In June 2020, Governor Newsom signed Senate Bill 98 into law requiring that IEPs include a description of the means by which the IEP will be provided under emergency conditions in which a child would be unable to receive in person instruction for more than ten days.

Emergency conditions would include any circumstance in which a child would be unable to receive in person instruction for more than ten days. The law goes into effect on July 1, 2020 and applies to the development of an initial IEP or the next regularly scheduled annual revision of the IEP.

While districts have already been meeting with the families to discuss how IEP services would be administered across the continuum of school reopening models (fully remote, hybrid, and in-person), this law will ensure that these changes are documented in the IEP. This very positive addition to IEP requirements will hopefully ensure that future catastrophic events will not be able to disrupt SPED services as much as the COVID-19 pandemic did.

The CZU Lightning Complex wildfires in August 2020 displaced thousands of residents throughout the County and would most likely have closed many schools had they not already been closed. Geologists predict a high likelihood of catastrophic mudslides to come in the wake of these wildfires.

The changes prescribed by Senate Bill 98 ensure that in the event of catastrophic events occurring, every student with an IEP will already have a robust and detailed individualized plan for provision of services during an emergency. Hopefully, this preparation will offset most of the disproportionately negative impact that loss of in-person instruction can have on students with disabilities.

AREA OF INTEREST: PROVISION OF COMPENSATORY SERVICES

Challenges: Not all services and curricula for students with disabilities translated well in distance learning models and some students experienced learning loss and skill regression. For these students, compensatory strategies may be necessary.

Scheduling compensatory services during general education classes could lead to more restrictive environments for the students.

Historically, parents had to seek out compensatory services, but parents of students most likely impacted have fewer financial resources, time and information available to support the process.

Preserving social/emotional wellbeing and progressing on social goals was more difficult during distance learning.

The pandemic could exacerbate disproportionate representation of students of color and low-income students identified as having a learning disability because of socioeconomic and other factors having impacted a student's ability to learn in a distance learning framework.

Strategies: Schools are proactively planning for provision of compensatory services.

CDE could model Pennsylvania Department of Education' clear comprehensive guidance for provision of Compensatory Services for schools unable to provide FAPE during COVID-19.

Schools are considering alternatives to general education interruption for the provision of compensatory services such as extending school years, school days, or age requirements for SPED services.

The Commission on Disabilities Supports:

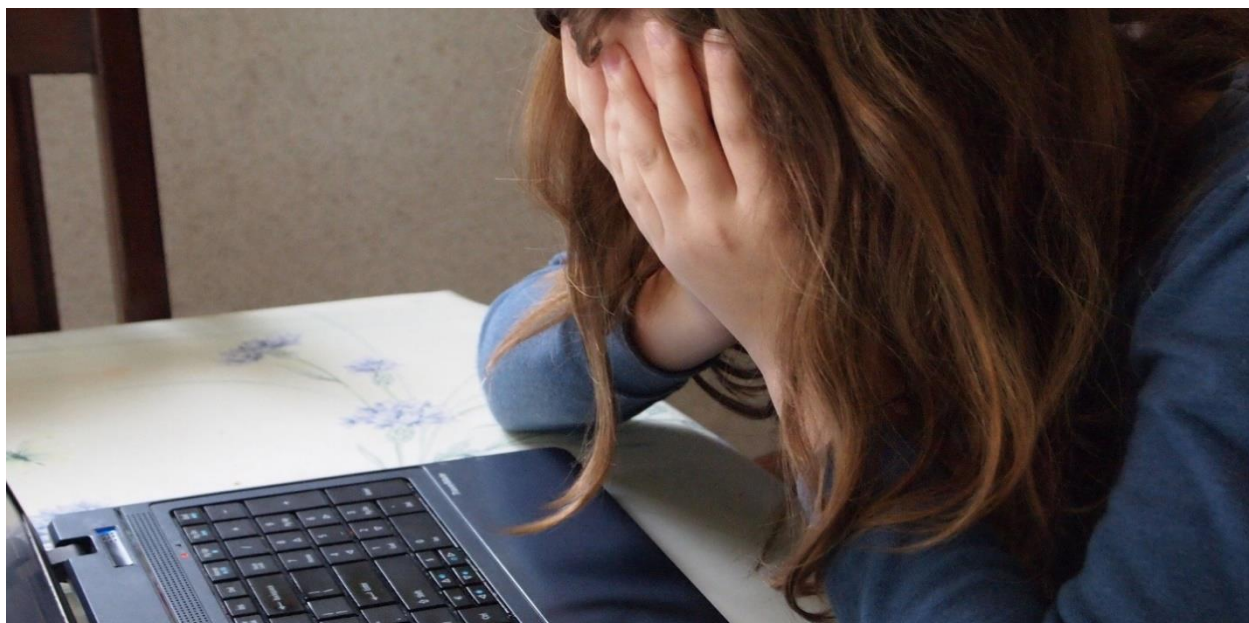
- ✓ Guidelines, policies, programs and legislation directing schools to proactively evaluate every student with a disability for compensatory services and allocating funds for the provision of these services.
- ✓ Compensatory strategies that do not interfere with a student's placement (e.g., extending school years, school days, or age requirements for SPED services). If it becomes necessary to move a student to a more restrictive environment their IEP should be amended as soon as possible.

Students reliant upon education services that could not be provided or could not be provided effectively during distance learning may require compensatory education services when they return to in-person instruction. Some school districts are already developing guidelines for the provision of these services.

Compensatory services will be particularly important to students for whom either the quality or quantity of instructional time was lost during the pandemic. In some cases, the availability of services or the mode of delivery contributed to this loss, but factors such as socioeconomic circumstance exacerbated by the pandemic also played a part.

As advised by Washington State's Special Education Guidance for Reopening Washington Schools, recovery services will need to be scheduled carefully to ensure that provision of such services does not lead to a more restrictive placement or to the student's missing out on the general education instruction to which they are entitled¹⁹. Before considering an interruption in general education instruction to provide recovery services, districts should employ strategies such as extended school year services or additional school hours. If the provision of necessary recovery services to meet a student's needs leads to the student being placed in a more restrictive environment, the IEP should be amended as soon as possible.

Under normal circumstances parents must seek out compensatory services. However, many advocacy organizations assert that schools should take on this responsibility during the pandemic and evaluate the needs of every student. This is particularly important considering that students with fewer financial resources are likely among the most impacted, with less time and information available to support their undertaking the process of requesting compensatory services.



Many advocacy organizations, including the NAACP, support the idea of schools engaging with parents of students with disabilities when considering the best application of additional stimulus funding. This would be a particularly impactful policy for families that are from lower socioeconomic backgrounds. However, only two Santa Cruz County school districts have reported

doing this. In their recently published policies for *“Ensuring Education Equity During and After COVID-19”*, the Intercultural Development Research Association (IDRA) called for schools to “Protect and increase weighted student-based funding in school finance formulas, particularly for vulnerable student populations such as English learners, students with disabilities and students from low-income households²⁰. These weights should be based on updated cost studies that account for the needs of a diverse set of students and that account for COVID-19 and other new related costs.”

With the third stimulus package as well as the financial incentives for reopening on the horizon, schools will greatly benefit by getting parent perspectives on how the funds can best be allocated to ensure students get the support they need. Early involvement of parents of students with disabilities in school discussions regarding allocation of recovery resources would be a tangible indication that they are prioritizing equity and proactively addressing compensatory needs in their reopening efforts.

While the SELPAs have indicated that compensatory services will need to be addressed when schools reopen, the fact that two districts explicitly stated that they are proactively considering compensatory services is very encouraging.

In order to facilitate this process, the California Department of Education could follow the example set by the Pennsylvania Department of Education and proactively release guidance for Covid-19 compensatory services for schools who were unable to provide FAPE while using alternative instructional models during the duration of the pandemic²¹.



Pennsylvania’s guidance requires that every student’s IEP team must meet within two weeks of reopening in-person learning to collect baseline data on present performance levels and compare progress to 2019-20 school year progress to identify any lack of progress in academics, speech and language, social skills, and any other related services listed in a student’s IEP.

Schools are required to monitor the progress of the students who suffered learning losses for up to three months to determine if they have recovered their skills or knowledge and made expected progress. If such losses have not been recovered within the three months, then compensatory services should be administered.

If the CDE follows this excellent model and establishes similar guidelines it will help to ensure that no students suffer lasting learning loss in the wake of the pandemic. Established statewide guidelines would allow the State to allocate funding specifically for the purpose supporting the deployment of these services.

Finally, extending the age requirements for special education services statewide would also operate as a comprehensive compensatory service. Currently, students are eligible for special education and related services until the age of 22. However, the difficulties experienced this year by many students with disabilities could result in their effectively having received one less year of

education than they would have had. Extending SPED services until the age of 23 would compensate for that lost year and benefit the students most impacted by the pandemic.

AREA OF INTEREST: PROVISION OF LEAST RESTRICTIVE ENVIRONMENT

Challenges: Immunocompromised students with disabilities may need distance learning longer than their general education peers. Schools should avoid potential segregation of these students when developing re-opening strategies.

Strategies: Distance learning innovations (e.g., virtual field trips, game groups, inter-grade “buddy” programs, & inter-school class combining) provided more inclusion opportunities between students with disabilities and their general education peers.

The Commission on Disabilities Supports:

- ✓ Policy, programs and legislation providing for continuation of innovative inclusivity solutions developed during distance learning.
- ✓ Implementation of re-opening strategies that proactively avoid potential segregation of students with disabilities who continue to distance learn.

Under IDEA, schools are required to provide students with disabilities with the “least restrictive environment” possible²². This means that, to the greatest extent possible, with appropriate aids and support, students should be educated alongside their general education peers.

Data reflects that schools have very successfully integrated this principle of inclusion into the distance learning instruction model. In fact, the removal of barriers students with disabilities experience in brick-and-mortar settings has allowed for greater creativity and collaboration in opportunities for inclusion.

Schools are now arranging field trips and game groups, facilitating story time, partnering students from different grade levels to be “buddies” and bringing students together for other social activities who would not ordinarily have been able to do so. Teachers have also been combining classes virtually even across school sites. Data from all districts reflect that the ability to facilitate interaction between special education students and general education students is greatly enhanced in a distance learning setting and students found the programs enriching and engaging.

Throughout the project, representatives from multiple districts provided anecdotal evidence of the collateral inclusivity benefits that learning via online platforms provided for their students with disabilities. For instance, some students who were hesitant to use their assistive technologies in brick-and-mortar settings had no hesitation using them during distance learning. Because all students were using screens, using assistive technology did not set them apart or cause them to stand out as “different”.

However, the expressed creativity and demonstrated commitment to inclusion across Santa Cruz County school districts offers significant hope to students with disabilities. The ability to interact with students across grade levels and even across school sites via an online platform

creates an opportunity for students who must continue distance learning to still interact with their general education peers and for schools to fulfill their responsibility to provide the least restrictive learning environment. It is hoped that the expanded opportunities for inclusion that were developed during distance learning, (such as remote “field trips” and virtually combining classrooms), as well as the teacher training and resources to support them can continue to benefit students with disabilities well beyond the crisis.

AREA OF INTEREST: PROVISION OF PARENTAL SUPPORT

Challenges: Parents were required to take on responsibilities previously undertaken by school and support staff. This could mean anything from technical support to implementing teaching sequences under the supervision of providers (e.g., teachers, behavioral therapists, and speech therapists).

For a variety of reasons, many of which are socioeconomic, some parents were unable to replicate school services at home regardless of training and resources.

Therefore, reliance upon parent training/resources to compensate for school-provided services can be cost-prohibitive solution long-term.

Strategies: Schools offered extensive parent training and resources on implementation of teaching sequences and helping children to work towards IEP goals

Many schools provided additional technology including assistive technology to support parents and students at home.

Two schools report engaging with parents of students with disabilities when considering the best application of additional stimulus funding.

The Commission on Disabilities Supports:

- ✓ *Special Education Equity for Kids'* recommendation that schools continue offering parent training and incorporate it into IEPs after the pandemic.
- ✓ Schools engaging with parents of students with disabilities when considering the best application of additional stimulus funding.
- ✓ Policy, programs and legislation aligned with the IDRA policies for “Ensuring Education Equity During and After COVID-19” which call for weighted student-based funding in school finance formulas, particularly for vulnerable student populations.

Parents of students with IEPs are entitled to parental training under the terms of IDEA, which states that parents are entitled to assistance in understanding the special needs of their child and acquiring the skills that will help them implement their child’s IEP.

The need for this training and support became incredibly important during the pandemic as many parents were required to assume roles and responsibilities previously undertaken by school and support staff.

For parents and caregivers working from home, this meant overseeing technology issues, helping their child connect to virtual appointments, helping them use assistive technology, and even implementing teaching sequences under the supervision of their providers (e.g., teachers, behavioral therapists, and speech therapists).

Throughout distance and hybrid learning, districts have worked to train parents who are able to assist in their child's learning. In many cases, this training and individualized support had incredibly positive results, further engaging parents in their children's education and building their capacity to facilitate their children's learning.

One district reported providing a thorough list of training resources for parents, (including instruction on the use of teaching strategies such as token boards and social stories), on an easily accessible website.

Five districts reported providing parents with additional assistive technology tools and training for both students and parents on their use. One district reported initial difficulty in supporting their Deaf and Hard of Hearing (DHH) students, particularly younger students who did not yet read which rendered captioning and transcript services useless to them. However, the same district observed that with the provision of additional Chromebooks and other supports they were ultimately able to help their DHH students.

Going forward, *Special Education Equity for Kids* has suggested that integrating this sort of extensive parent training into all IEP plans should become the norm rather than the exception once schools fully return to in-person instruction.

Now that educators, parents and students all have some experience using online platforms, it should pave the way for using distance learning tools (videos, webinars, online classes, etc.) to support embedding instruction in the home environment.



That said, it must be acknowledged that not all parents had the means to replicate services previously provided by school staff and implement the teaching strategies needed to ensure their children's successful learning at home, regardless of the availability of training resources and support during the pandemic. Lack of parental engagement and an inability to even make contact with some parents was a common theme, particularly in geographical areas not conducive to internet connectivity.

Though all parents want to be involved, in many cases barriers to their successfully engaging with their children's distance learning were based in socioeconomic factors. Because of this, reliance upon parent training to compensate for services previously provided by schools is, in some ways, a cost-prohibitive solution. Therefore, proactive policies that specifically prioritize students who were unable to receive as much support at home are essential to the reopening process.

AREA OF INTEREST: COORDINATING SERVICES FOR EAL STUDENTS

Challenges: Coordinating IEP and ELP (English Language Proficiency) goals during distance learning is integral for the success of English as an Additional Language (EAL) students with disabilities.	Strategies: Schools with dually-identified students have been careful to ensure coordination between ELP and IEP staff to provide each student with the individualized support needed. Online platforms provide greater language accessibility with real-time translation built into the software, requiring no translation request. This not only helps students, but EAL parents as well in assisting their children and engaging with educators/providers.
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- The Commission on Disabilities Supports:**
- ✓ Policy, programs and legislation that ensures the most coordination of ELP and IEP goals and services.
 - ✓ Integration of online platform use into communication with EAL students with disabilities & their parents beyond the crisis to provide free, real-time translation services and increase accessibility related to language barriers.

It is critical to closely monitor how students who have a disability and speak English as an additional language are being considered during distance learning in order to ensure equity.

Because language and culture are factors that can shape student learning and behavior, it is important that English Language Proficiency (ELP) standards and IEP goals are coordinated for the best chance of success. This coordination of goals requires an extraordinary amount of collaboration between educators and parents; collaboration that is made exponentially more difficult in a distance learning framework.

Data confirms that Santa Cruz County schools have been careful to ensure that these intersectional students are provided with the appropriate levels of support and coordination needed to give them the best chance for success.

All districts that reported having dually-identified SPED/EAL students and detailed strategies for collaboration between ELP and SPED staff to coordinate services and goals. One district identified this as an area of need but reported that they consistently work towards more linguistically appropriate goals for their dually-identified students.

Most districts with dually-identified students reported close collaboration between their ELP coordinators and SPED teams to provide reading, instruction, intervention and support services that meet the needs of the individual students.

Additionally, real-time translation featured in online platforms not only made classes much easier to understand for dually-identified EAL/SPED students but was also beneficial for EAL parents

trying to compensate for previously school-provided services and assist their children's distance learning.

EAL parents could also access providers and educators more easily during distance learning. Most online meeting platforms provide immediate real-time translation on-screen. Previously, when providers contacted EAL parents by phone, the parents may not have requested a translator, but instead, engaged in English to the best of their ability.

During distance learning, providers reached out to parents using the online platform instead. This allowed parents to turn on real-time translation themselves and have communications automatically translated, thereby eliminating potential miscommunications.

Understandably, this feature has provided greater accessibility for EAL parents and caregivers of students with disabilities, and it is hoped that educators will carry these collateral benefits forward and build on them even after schools fully reopen to in-person instruction.

POST-SECONDARY EDUCATION

In general, the shift to distance learning at the post-secondary level has been less disruptive to the provision of equitable and accessible education for students with disabilities than it has been for K-12 institutions. In many ways, distance learning courses have been more accessible than in-person courses for students with disabilities. Historically, traditional education models centered on the needs of students without disabilities. Though K-12 schools were required to make adjustments to be more inclusive and accessible over the years, most higher education continues to perpetuate traditional inherently exclusionary education models. The pandemic disrupted traditional models for higher education and demanded a new distance learning model which uprooted pre-pandemic ableist norms and almost collaterally provided for the differing experiences of disability.

During distance learning, many accommodations that post-secondary students with disabilities previously had to advocate for have now become universal practices. While it would be naive to imagine that the experience of this pandemic could eradicate all ableism in higher education, it does point to many existing opportunities to make higher education more accessible with the continued use of resources, tools and strategies employed during distance learning.

If the collateral benefits provided by distance learning (e.g., flexible attendance requirements, increased sensitivity to accessibility barriers, provision of webcast lectures, and even financial aid for basic needs) were integrated into the post-pandemic brick-and-mortar model, they could have an enduring positive impact on the educational experiences of post-secondary students with disabilities.



Data Collection

As previously described, accommodations for post-secondary students are structured differently from those required for K-12 students. Post-secondary students with disabilities are required to identify and advocate for themselves, and the education offered to them will not differ fundamentally from that offered to students without disabilities. Therefore, no central, uniform guidelines are provided or implemented across institutions. Rather, each post-secondary institution is implementing their own approach to section 504 and section

508 compliance in order to provide reasonable accommodations for students during distance learning.

Given the variety of institutional cultures, policies, approaches and student demographics, it was determined that a standardized survey would not have yielded the most relevant or significant information. Instead, informal interviews were conducted with disability resource center leadership. The interviews followed a consistent agenda including discussion topics related to how school accommodation services have shifted, how professors and affiliated staff responded, and detail on any gaps in existing university policies that emerged. This informal strategy allowed for general trends to be identified while gathering additional detail on each institution's unique approach to the challenges facing them during distance learning.

Interviews were conducted with disability/accommodation resource center Directors for University of California at Santa Cruz (UCSC), Cabrillo College, California State University Monterey Bay (CSUMB), and Santa Clara University (SCU), all of which serve a sizable number of students living in Santa Cruz County. As with the K-12 data, we assured interviewees that we would not use any school-identifying information so that they could feel free to speak openly about any challenges they encountered during this time.

Key findings have been grouped loosely into five key areas of interest: online testing; asynchronous classes and webcasts; faculty-related findings; accommodation requests; and financial and technical resources. Within each area of interest, clear challenges and strategies emerged, despite the substantial differences between institutions interviewed.

AREA OF INTEREST: ONLINE TESTING

Challenges: Implementation of new proctoring software designed to ensure academic integrity in remote testing presented accessibility barriers including disallowing access to assistive technologies and algorithmically profiling some students with disabilities as exhibiting "suspicious" behavior.

Successes: Difficult-to-implement in-person testing accommodations (e.g., time-of-test, no distractions, etc.) are easily implemented in an online setting.

The Commission on Disabilities Supports:

- ✓ Continued provision of remote testing for students when appropriate & useful.
- ✓ Individualized solutions to implementing limited distraction accommodations for students experiencing difficulty replicating the limited distraction environment in their homes.
- ✓ Continued provision of alternatives to invasive proctoring software when a student's disabilities require them.

Testing Accommodations

All schools noted that testing accommodations translated incredibly well to remote learning because of the ease with which they can be administered. Many students have provisions for time-and-a-half testing with limited distraction which often required teachers to arrange for different locations, time periods, and proctors in an in-person setting. In a distance learning setting, an online platform is used to post and administer tests, homework and other assignments. Online platforms allow professors to easily adjust the timing of a test and make alternate locations and proctors unnecessary, thereby streamlining the accommodation process.

However, because schools cannot control the testing environment with remote proctoring, some students experienced difficulty replicating the limited distraction environment in their homes during quarantine. This was particularly true for low-income students who were more likely to have multigenerational households, crowded living conditions and access exclusively to shared spaces. These students were also more likely to be students of color or first-generation students.

It is important that schools remain sensitive to the intersecting needs of low-income students who require limited-distraction accommodation during distance learning.

Possible solutions could include anything from providing noise-canceling headphones to offering financial aid so a student could live on-campus.

The most useful and appropriate solution will depend upon the unique circumstances of each student. Therefore, schools are encouraged to be as flexible as possible and work closely with impacted students on a case-by-case basis to mitigate distractions.



Online Proctoring Software

Although certain aspects of accommodations for testing proved to be easier to implement in a distance learning setting, online testing was not entirely without its challenge. With the advent of distance learning, came the implementation of new proctoring software designed to ensure the academic integrity of remote testing. These software solutions have presented multiple accessibility barriers to students with disabilities.

In some cases, professors required students to use a lockdown software which effectively locks them into the browser accessing the test until the test is complete. The intent is clearly to prevent students from using the internet to assist them with their test responses, but the unintended impact is that it also prevents students with disabilities from using external assistive technologies (e.g., magnification, speech to text software, grammar/spell

check, etc.) to complete their tests. In these cases, professors have emailed the tests to impacted students and rely upon them to honor the academic dishonesty policies.

Another issue related to proctoring online exams is the invasive nature of software such as ProctorU and Proctorio. Both online proctoring software solutions, not only lock student browsers, but also allow a remote proctor access to student keyboards, mice, webcams, and monitor screens for the duration of the exam. Students who have experienced stalking or cyberstalking or students who experience extreme discomfort with being looked at, including students with anxiety or ASD can find this invasion of privacy incredibly triggering and sought accommodations to be allowed to complete exams without the use of this software.

Behavior Profiling

In addition to the difficulties mentioned above, many advocates expressed concerns about remote proctoring services that use artificial intelligence to identify “suspicious behavior”. These proctoring services record audio and video of students during exams to identify and flag behaviors that the algorithm considers “suspicious”. Most of these behaviors include eye or body movements that could theoretically indicate a student accessing disallowed resources to complete an exam. In other words, cheating. What the algorithm does not take into account is either the physical manifestations of a disability or distractions in home environments that could also contribute to these movements. For example, students who are on the Autism spectrum or students with anxiety or ADHD, might have varying levels of eye contact and may look around the room, pace, spin in their chair, etc. Low-income students without access to private spaces for testing may be distracted by other family members or pets attempting to interact with them during a test which could also lead to “suspicious” behaviors.

Despite there being many reasons for exhibiting “suspicious” behaviors that have nothing to do with academic integrity and are completely outside of a student’s control, the net result of using such software is the algorithmic profiling of students as demonstrating “suspicious behavior” and flagging them for scrutiny and potentially punitive measures.

Not only are the results inaccurate (and therefore useless), but they further impact a student’s ability to do well by characterizing their disability or their circumstances as evidence of cheating which can increase their anxiety and impede their ability to do well in testing situation²³. This can create an incredibly alienating dynamic, especially for students with disabilities and low-income students who may already experience difficulty feeling as though they belong in higher education spaces.

Not only are the results inaccurate (and therefore useless), but they further impact a student’s ability to do well by characterizing their disability or their circumstances as evidence of cheating which can increase their anxiety and impede their ability to do well in testing situation.

Clearly this example points to a greater need for identifying and uprooting bias within all technology. In the interim, concerns related profiling by online proctoring software should be brought to the attention of educators and serious consideration should be given as to whether software with a potential for built-in bias should be used to establish norms. Post-secondary institutions are encouraged to follow the example of one university interviewed and develop alternative methods of evaluating student knowledge besides testing, such as final papers or projects. In the meantime, they are encouraged to find ways to administer remote online testing without involving punitive surveillance.

AREA OF INTEREST: ASYNCHRONOUS CLASSES AND WEBCASTS

Challenges: Prior to the pandemic faculty expressed concerns including students not attending in-person classes if lectures become available online, anxiety about being recorded, resistance to recording sensitive content and concerns about intellectual property issues. However, out of necessity, faculty have universally acclimated to asynchronous classes and webcast recordings during the pandemic.

Successes: Asynchronous classes & webcast recordings of real-time classes improve accessibility for students with chronic conditions, students using assistive technology, & students with language barriers.

The Commission on Disabilities Supports:

- ✓ Continued provision of asynchronous classes & webcast recordings of real-time classes after the crisis as needed for students with chronic conditions, students using assistive technology, & students with language barriers.

Asynchronous Classes

Asynchronous classes, although offered before the pandemic, have become more frequent during distance learning. In a brick-and-mortar setting, students with chronic conditions often required accommodation for flexibility in a professor's attendance policies when their condition impacted their attendance. Even with synchronous online classes, students with chronic migraines or sensory processing disorders can struggle with the amount of screen time required and need to miss classes. Asynchronous classes allow them to break their screen time into manageable segments, providing greater ease and a greater opportunity for success. Asynchronous classes allow students to take the class at their own pace and do not need attendance accommodations, thereby building accessibility features into the course design itself.

Asynchronous classes also have benefits for students who use assistive technology and may find the fast pace of real-time online classes challenging. Assistive technology and text transcription providers may require additional time to communicate information, making it difficult for the students using them to keep up. The ability to set the pace in an asynchronous course means students can proceed at a pace that allows their assistive

technology to function properly. Flexible timing also makes courses more accessible for students with language barriers or students who live in areas with low broadband access.

All student responses to asynchronous classes were positive, with schools reporting no complaints and a decrease in requests for attendance accommodation. All interviewees agreed that the increased accessibility of asynchronous class schedules was probably a contributing factor.

Webcasts

Another benefit provided by distance learning is the ease with which professors can provide webcasts, or recordings of live, real-time classes (whether remote or in-person) for students to review again later.

Many students with disabilities require the accommodation of lecture webcasts, but they can be difficult to implement in an in-person classroom setting. Professors using an online platform simply select the record function at the beginning of class and a webcast can easily be recorded, uploaded to the course site and made available to all students after class.

Multiple schools reported professors providing webcasts of all their lectures, with one even reporting that school policy now required that all professors do so.

Before distance learning, many professors were wary of providing webcasts and providing students with a view-from-home option.

Professors most often expressed concerns about students not attending in-person classes if lectures became available online, though additional resistance could be attributed to anxiety about being recorded, resistance to recording sensitive content and concerns about intellectual property issues.

While these are valid issues, they did not prevent faculty from implementing remote solutions once the entire student body required them to safely and effectively participate in their education.

Post-pandemic, there will continue to be students with disabilities who would benefit from these accommodations. It is hoped that webcasts and asynchronous classes will continue to be widely provided once the general education population no longer requires them to safely and effectively participate in their education.

While all of these issues must be considered, distance learning platforms have made it abundantly clear that schools can easily accommodate students who are unable to physically attend lectures, if needed.



AREA OF INTEREST: FACULTY-RELATED FINDINGS

Challenges: Faculty in STEM & certification/licensing disciplines were most resistant to allowing Accommodation.

Reasons cited included academic structure of STEM field disciplines, academic integrity issues, and reluctance to allow accommodations that could be disallowed during certification/licensing exams.

Successes: All institutions have developed robust online training and resources to improve the accessibility of online course content and presentation.

The Commission on Disabilities Supports:

- ✓ Implementation of a robust, well-funded, top-down approach that ensures institutional support, instructor incentives and ample resources to improve accessibility of course content and presentation for both distance and in-person learning and increase faculty buy-in across disciplines.

Training and Instructor Resources

All interviewees reported the availability of robust instructor resources to ensure that syllabi and course design are accessible to students. University centers for online education were instrumental in assisting teachers to design distance learning courses with collaboration between students and teachers, learner support, and accessibility in mind. In addition to helping with design, they also helped teachers with accessibility logistics including setting up class websites and doing post-production for asynchronous video classes.

Resources provided by university online education centers included tutorials, one-on-one training, and in some cases group workshops offering support and guidance on making the materials and presentation of course content accessible.

One university developed and strongly encouraged all faculty and staff to take a course on making online courses accessible and provided Ally software to scan all course content and identify accessibility issues which can then be corrected.

Staffing Challenges

A challenge that schools encountered in providing teachers with training is that budgetary constraints have impacted staffing at post-secondary institutions, which could result in projects designed to improve accessibility being halted indefinitely because staff was not available to complete and implement them. When reopening post-secondary institutions with equity in mind, it will be important to continue allocating federal and State funds in a way that ensures schools have adequate staff to support implementation of accessibility projects and resources for students with disabilities.

Faculty Response to Accommodation Requests

Faculty response to accommodation requests during the pandemic varied. In some cases, response broke along discipline lines. Though faculty resistance certainly occurred before the pandemic, it was greatly exacerbated by increasingly high stress environments for both teachers and students. Even so, faculty resistance during the pandemic illustrates a larger issue related to post-secondary learning environments for students with disabilities. Only a small percentage of faculty resisted accommodations, but their resistance had the potential to impact the lives of hundreds of students.

One commonly resisted accommodation was having web cameras off during class or testing. Many professors had created policies requiring student web cameras to be active during class, and in particular, during testing. Being on camera can be difficult for many students for a variety of reasons, including anxiety or an aversion to being recorded, among others. Students with these difficulties requested accommodation to keep their web cameras turned off. Some professors resisted providing this accommodation because of concerns about academic integrity or a belief that doing so would be “unfair” to other students. In these situations, interviewees reported that it was the professors’ responsibility to consider methods of engagement for their classes and revise them to allow for accessibility.

Interviewees observed that resistance to accommodation tended to be more evident in STEM disciplines which tend to be less accessible disciplines under normal, in-person instruction as well. They noted that STEM fields in particular tend to create what they termed an “ableist environment” because the purpose of STEM programs is to start with a high volume of students and pare down to the higher performing students by “weeding out” those with lower performance. As described by one interviewee, this strategy is often “designed to exclude [students with disabilities] from the beginning”. Data reflected that STEM faculty were more likely to express concerns about academic integrity related to accommodation during the pandemic than were faculty in disciplines related to humanities or social sciences.

In addition to faculty in STEM disciplines, faculty in programs that require national or State licensing or certification (e.g., education, health sciences, kinesiology, etc.) were more likely to question the appropriateness of a requested accommodation and justify their resistance by pointing to the standards required by examination. They felt that providing accommodation during coursework did a disservice to students who would not later be provided with the same accommodation during credentialing or licensing exams.

Schools that reported no faculty resistance to accommodations reported a need for faculty guidance on implementing accessibility standards for distance learning and a willingness in their faculty to adopt accessibility measures when provided with guidance and resources.

In the most positive feedback related to faculty response, interviewees reported not only a willingness to adopt policies and resources designed to ensure accessibility, but an increase in faculty flexibility and empathy overall. It is likely that awareness of the impact of COVID-19 coupled with their firsthand experience of struggling with new technology and processes gave faculty members a greater understanding of the frustration people with disabilities experience routinely when something is inaccessible to them.

One institution described a “huge push” from their Provost and Dean to prioritize and ensure accessibility in distance learning classes. Their strategy could prove a useful model for other schools struggling with differences in accessibility culture between disciplines.

A robust, well-funded, top-down approach that ensures institutional support, instructor incentives, and ample resources could make accessible pedagogy a reality in all classrooms across disciplines if implemented.

AREA OF INTEREST: ACCOMMODATION REQUESTS

Challenges: Incoming freshman students had increased difficulty transitioning into an environment requiring self-advocacy for accommodation.

Community college accommodations didn’t transfer to 4-year institutions. Virtual campus settings impacted transition preparation and new student orientation, which increased difficulty navigating the transition.

Documentation flexibility does not appear to have offset the difficulty.

Faculty found it difficult to parse reasonable extension requests from those that were not because of a need to ensure consistent learning outcomes within specified timeframes.

Successes: The prevalence of accessibility features included in online platforms (e.g., closed captioning and automatic transcriptions), has resulted in fewer requests for accommodation.

Institutions exercised greater flexibility in their documentation requirements during the pandemic and relied more upon student narratives.

Less reliance on documentation helps address inequities created by socioeconomic circumstances and implicit bias inherent in the diagnostic process required to receive documentation

The Commission on Disabilities Supports:

- ✓ Policy, programs and legislation formalizing greater flexibility in documentation requirements for accommodation in education.
- ✓ Changes in Federal aid requirements allowing for part-time students to receive aid.

The Commission on Disabilities Encourages Schools to:

- ✓ Provide free or affordable disability testing resources for students to offset costs associated with providing documentation for accommodation.
- ✓ Develop and communicate clear, reasonable extension parameters for full-time students with disabilities requesting extension accommodations.

Assistive Technology Requests

All universities interviewed reported that some of their most widely used assistive technologies have been requested less frequently during distance learning. For example, during in-person learning, smart pens were widely distributed for students with access barriers around notetaking. Smart pens are “high tech writing tools that record spoken words and synchronize them with notes written on special paper” and are often used by students during lectures. In a remote environment, the smart pens have difficulty picking up audio through a computer speaker, and therefore students are not using these. Instead, universities are providing alternatives such as *Sonocent Audio Notetaker* software which essentially records the online lecture and allows students to annotate the audio files afterwards.



While there are shifts in the types of technology used, no significant assistive technology gaps were reported. In fact, interviewees reported an overall decrease in the need for many of the offered assistive technologies because classes held on online platforms allowed for different modalities in ways that were not possible during in-person lectures. For example, closed captioning and transcripts are all readily available through most online platforms and Sonocent software (although interpreters are still provided for students who prefer them). Now, students can easily hear lectures, read them in real time, or access them later in both written and audiovisual

forms, making lectures more accessible than ever before.

Disability resource centers continue to provide training for students on the use of assistive technology by appointment or virtual drop-in office hours.

All data indicated that distance learning greatly facilitated the provision of most common accommodations requested for post-secondary instruction. The ease with which testing accommodations, asynchronous classes, and webcasts can be provided, coupled with the built-in accessibility features of most online platforms (e.g., automatic lecture transcription and closed captioning) make post-secondary coursework exponentially more accessible to students with disabilities and language barriers. It is hoped that post-secondary institutions will integrate the accessibility successes revealed during distance learning and continue to provide this enhanced level of accessibility in education going forward.

Extension Accommodation Requests

Accommodation requests related to extensions proved challenging for accommodation specialists during the pandemic. Students requested either extensions that were “weeks and months beyond what is reasonable” or no deadlines at all, according to some schools.

Many extension requests were denied because students are required to demonstrate learning outcomes within certain timeframes and students getting exceptions were perceived to be “falling behind”. Staff making authorization determinations found it difficult to parse reasonable extension requests from those that were not, particularly if students did not have previously well-documented deficits or limitations in executive functioning around stress and deadlines.

Instead, students were encouraged to take part-time course loads if they were feeling more stress than they could manage successfully. Because financial aid is tied to full-time status, this solution can be cost-prohibitive. In order for this solution to be equitable for all students, financial aid would need to be untethered from full-time status. Until a legislative solution is implemented, schools are encouraged to be as lenient as possible when authorizing extensions. It is important to acknowledge the increased financial and emotional stress that students are under and adjust policy accordingly for the duration of the pandemic. If it is absolutely necessary to deny an extension accommodation request, schools should have developed clear, reasonable extension accommodation parameters which they can proactively communicate to set reasonable student expectations

Housing Accommodations

The pandemic gave rise to novel housing accommodation requests. Two institutions reported a distinct increase in housing accommodation requests, including adjustments to rental agreements in some cases.

Comprehensive and strict disease prevention protocols precluded students from having visitors to on-campus housing. Students requiring personal care assistance were allowed rental agreement addendums signed by their caregivers. A similar accommodation allowed care attendants use the laundry facilities and other communal spaces.

Flexible Documentation Requirements

Because the pandemic made it difficult for students to access healthcare, university accessibility resource centers adjusted their documentation requirements to allow for more flexibility. To varying degrees, universities have been less dogmatic about documentation recency and relied more upon student narratives during the pandemic. One administrator reported that their resource center had introduced enough flexibility into their authorization policies to allow provision of services to any struggling students who believed accommodations would be beneficial for them, regardless of disability documentation. This increased flexibility was provided, in part, because of the increased emotional distress being experienced by all students, which resulted in more students being entitled to accommodations, particularly those related to anxiety and depression. Whether because of an increase in requests or a decrease in access to healthcare, the greater flexibility and expanded provision of services to students who would not otherwise be eligible has been extremely successful in supporting students with disabilities during this difficult time.

It should be noted that solutions oriented toward lesser reliance on documentation also help to address diagnostic inequities caused by biases in the medical and behavioral fields based on race, class and gender. For example, far fewer women receive ADHD diagnoses because the condition manifests differently for women than it does for their male counterparts. Lessening a reliance upon documentation minimizes the opportunity for those biases to carry over to accommodation authorization.

Socioeconomic factors can also result in diagnosis inequities. Even with insurance, the expense associated with getting a diagnosis can be cost-prohibitive. For example, years of medical testing are often required before a person with a disability resulting from a physical illness can receive a diagnosis. Learning disabilities can be equally expensive to diagnose; the average cost of an ADHD evaluation in Los Angeles is \$1,634. Stringent documentation requirements and the costs associated with them can form a barrier prohibiting less affluent students with disabilities from accessing the accommodation they require to succeed.

*“SOLUTIONS ORIENTED TOWARD LESSER RELIANCE ON DOCUMENTATION
CAN ALSO HELP TO ADDRESS DIAGNOSTIC INEQUITIES...
BASED ON RACE, CLASS, AND GENDER”*

Post-graduation certification and licensing exams, workplace environments, and graduate programs often have more stringent documentation requirements for disability accommodation. Therefore, universities must maintain some documentation standards even when allowing flexibility in their authorization process. If the process does not also ensure that students continue to pursue some form of third-party documentation, it would ultimately prove to be a disservice to students with disabilities. The ideal process would be a combination of flexibility in documentation requirements for initial approval coupled with continued support for students pursuing third party documentation. To that end, universities may want to consider offering low or no cost testing or diagnostic resources to students on campus.

While the efforts of individual institutions are to be commended, it is hoped that we will see systemic shifts toward greater accessibility in the future. Prominent organizations like the Association on Higher Education and Disability (AHEAD) have long been advocating for less dogmatic documentation recency policies in universities. While many schools have embraced AHEAD’s documentation guidelines to a degree, they interpret and implement them differently. It is hoped that continued implementation efforts will result in developing more consistent alignment of documentation standards across institutions.



In the interim, post-secondary institutions, particularly statewide university systems, are encouraged to seek less restrictive, document-reliant means by which to make authorization determinations. Alternatively, if they are intent upon maintaining current

documentation requirements, they could provide free testing resources on campus to increase access for students. Greater documentation flexibility during the pandemic has been so successful that schools would do well to consider the substantial benefits of extending temporary pandemic provisions beyond the current crisis.

Accommodations for Incoming Students

Transitioning either from K-12 education to post-secondary education or from two-year colleges to four-year universities presents unique difficulties and challenges for students with disabilities. Typically, many of these challenges would be addressed during a new student orientation which would include information about what disability resources are available, how to access them, and how to request accommodations. However, the shift to distance learning has made orientations somewhat less effective and required some adjustment on the part of both educators and students.

K12 Transition to Post-Secondary

The transition from K-12 education to post-secondary education has always been challenging for students with disabilities. Post-secondary access accommodations is rooted in the ability to self-advocate, which is a distinctly different from K-12 education. In K-12, parents are a student's principal advocates and the onus is on the schools to identify students with disabilities and ensure that they receive the supports and services they need for a free and equal public education.

The difficulty shifting from reliance upon parents and school staff to self-advocacy depends upon the level of transition services that K-12 students receive before and after the transition. At least one interviewee reported that transition preparation during the 2019-2020 school year seemed either to have been neglected by K-12s or had not been as effective in distance learning programs as it had been in prior years.

Part of the difficulty could be attributed to not having a physical location in which to seek accommodation information and resources, as they would have done during in-person learning. Even though all schools reported providing information about their accommodation services during orientation, something about a virtual campus setting made it difficult for students to figure out where and how to get the support they needed. One interviewee reported that their institution implemented outreach campaigns every term, calling every enrolled student to check their status academically and emotionally and to connect them with resources that could benefit them. During these campaigns, many students self-identified as having disabilities and having been unable to find resources or request accommodation. In addition to the school's overall outreach efforts, the disability resource center implemented their own outreach campaign specific to students registered at the center to confirm that their needs are being met and determine if there are any additional supports they can offer. Outreach campaigns such as those mentioned above have greatly mitigated some of the difficulties experienced by incoming students with disabilities as well as continuing students needing greater support during the pandemic.

Community College Transition to Four-Year Institutions

Students transitioning from community colleges to four-year universities experienced a gap in policy from one institution to the next when their previously approved accommodations did not transfer with them.

For twenty years, disability specialists have advocated for the seamless transfer of community college accommodations (including documentation) four-year institutions. To date, this practice has not generally been implemented. Instead, students transferring encounter new, interactive authorization processes sometimes requiring additional documentation and more recent assessment. In some cases, even with additional documentation and assessment, a student may not receive accommodations that were previously provided at their community college, as accommodations considered reasonable at a community college may not be considered reasonable at four-year universities.

The stresses experienced by students transitioning from community colleges to four-year institutions have only been exacerbated by the pandemic and distance learning. Four-year colleges can best serve transferring students with disabilities by clearly setting their expectations relative to accommodation. That, coupled with proactive community college outreach to prepare transitioning students to navigate the accommodations process at their new school, will go a long way toward making the transition from community colleges to four-year institutions as seamless as possible for students with disabilities.

Schools operating in systems, such as the California State University System or the University of California system, could also work with the California community college system to develop policies designed to reduce or eliminate barriers for the transfer of documentation and accommodations.

AREA OF INTEREST: FINANCIAL AND TECHNICAL RESOURCES

Challenges: Disparities in access to personal technology (such as working laptops and tablets) as well as tech infrastructure (such as internet speed and bandwidth) have profoundly affected students with disabilities during distance learning.

Successes: To mitigate the impact of these structural issues, schools have used the institutional awards provided by the CARES Act to distribute emergency financial aid to students for technology such as tablets, laptops, and Wi-Fi hotspots.

The Commission on Disabilities Supports:

- ✓ Policy, programs and legislation developed to provide innovative solutions to digital poverty.
- ✓ 100% high-speed broadband internet coverage provisions detailed in President Biden's "American Jobs" infrastructure plan.

Digital Poverty

Most post-secondary institutions reported inequity in available financial and technological resources beyond assistive technologies. Regardless of disability status, disparities in access to personal technology (such as working laptops and tablets) as well as tech infrastructure (such as internet speed and bandwidth) have profoundly affected students during distance learning.

While all students have been affected, the access barriers were greatly magnified for students needing accommodations while facing socio economic challenges.

To mitigate the impact of these structural issues, schools have used the institutional awards provided by the CARES Act to distribute emergency financial aid to students for technology such as tablets, laptops, and Wi-Fi hotspots.



Although individual schools have done their best to offset the impact of economic insecurity, there is a great need for State and federal policymakers to support innovative solutions to digital poverty. President Biden has already articulated this as a policy priority in his “American Jobs Plan”. In this plan, there are provisions for investing \$100 billion in order to build high-speed broadband infrastructure²⁴.

In the United States, poverty and disability are often deeply entangled. For example, the 2019 national poverty rate was 10.5%, but families with adults and children with disabilities experienced poverty at a staggering rate of 28%.

Addressing the digital inequity prevalent in both rural and low-income metropolitan communities and bolstering digital infrastructure are fundamental to realizing equal access to both education and employment for people with disabilities and other vulnerable student populations, even after the pandemic.

“ IN THE UNITED STATES, POVERTY AND DISABILITY ARE OFTEN DEEPLY ENTANGLED... THE 2019 NATIONAL POVERTY RATE WAS 10.5%, BUT FAMILIES WITH ADULTS AND CHILDREN WITH DISABILITIES EXPERIENCED POVERTY AT A STAGGERING RATE OF 28%”

GLOSSARY

ADA Americans with Disabilities Act

AHEAD

Association on Higher Education and Disability

ASD Autism Spectrum Disorder

Asynchronous Classes

Courses at the post-secondary level where students are able to review instructional materials at any time they choose as opposed to engaging with a live video lecture (synchronous classes).

CDE The California Department of Education is a government agency that oversees public education in the state and holds local education agencies accountable for the educational success of all students.

COE County Office of Education

Documentation Recency

Post-secondary institutions develop criteria for the length of time that documentation attesting to a student's disability can be used in order to justify a need for accommodation. These timeframes are established independently by each postsecondary institution so what is considered "recent" varies from school to school.

EAL An "English as an Additional Language" (EAL) learner is a student whose first language is a language other than English.

ELP English Language Proficiency instruction is designed specifically for English as an Additional Language (EAL) learners to develop their listening, speaking, reading, and writing skills in English.

FAPE Free and Appropriate Public Education - Under IDEA, each eligible child with a disability has a legal right to an education that includes appropriate special education and related services (as described in an IEP) and under public supervision at no cost to the parent/guardian.

IDEA Individuals with Disabilities Education Act - This federal law identifies the elements of special education and the requirements/mandates of the public education system to improve outcomes for students with Disabilities.

IDRA Intercultural Development Research Association

IEP Individualized Education Program – developed for each special education pupil, identifying the child’s eligibility for special education, present levels of performance, the educational goals (and objectives if appropriate), special factors to consider, and services to be provided.

LEA Local Education Agency – any local school district, County Office of Education or independent charter school which has responsibility to provide special education services to eligible students.

LRE Least Restrictive Environment – an appropriate educational placement which permits a pupil to participate as fully as possible with nondisabled peers while still addressing the services identified in the IEP.

SELPA

Special Education Local Plan Area – one or more districts forming geographic regions of sufficient size and scope approved by the California Department of Education to provide a comprehensive range of special education programs and services for students.

Webcast

A video of a class that students are able to view live from their computers, which professors can also choose to make available to their students so that they can access it whenever they would like.

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COMMISSION LIAISONS

David Molina,
Commission Chair, District 5
Richard Gubash,
Commissioner, District 3

WRITTEN AND COMPILED BY

Juliet Hayes,
Research and Data Analysis Intern
Kaite McGrew,
Commissions Coordinator

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CONTRIBUTING INDIVIDUALS

Heather Gorman, *Director, Pajaro Valley School District SELPA*

Diane Morgenstern, *Superintendent/District Administrator, Mountain Elementary School District*

Michelle McKinney, *Superintendent, Happy Valley Elementary School District*

Eric Gross, *Superintendent, Pacific Elementary*

Stacy O'Farrell, *Director of Special Education Services, Santa Cruz City School District*

Mike Heffner, *Superintendent, Bonny Doon Union Elementary School District*

Sharlene Ames, *Student Services Director, Live Oak School District*

Jen Lahey, *Student Services Director, San Lorenzo Valley School District*

Richard Gubash, *Director, Disability Resource Center, UCSC*

Beth McKinnon, *Director, Accessible Support Center, Cabrillo College*

Maude Nazaire, *Director, Office of Accessible Education, Santa Clara University*

Margaret Keith, *Director, Student Disability Resources, CSUMB*

APPENDIX I

SANTA CRUZ COUNTY COMMISSION ON DISABILITIES DISABILITY ACCOMMODATION IN EDUCATION DURING THE PANDEMIC SCHOOL DISTRICT SURVEY

1. Has the district identified any unique needs/accommodations for students with disabilities with regard to the school's planned reopening protocols around any of the following? Please check all that apply:
 - A. Daily health screenings
 - B. Providing additional PPE beyond masks (for example, for students who might need support with toileting or medical procedures)
 - C. Restroom use
 - D. Use of recreational spaces
 - E. Cleaning/disinfecting
2. If you checked any of the protocols listed in Question #1, please describe the strategies employed and/or challenges experienced while meeting these unique needs:
3. What strategies (if any) have helped the district to adjust IEP services during the pandemic? Please check all that apply:
 - A. Amending IEPs for district learning/pivoting in and out of distance learning
 - B. Coming up with guidelines for when compensatory services will be provided
 - C. Offering extended school year services
 - D. Collecting data to determine if outcomes for students with IEPs and 504 plans are proportionate to those without
 - E. Other (please specify): _____
4. If you checked any of the strategies listed in Question #3, please describe any successes and/or challenges you've experienced while implementing or preparing to implement them:

5. What strategies (if any) have helped your district to ensure that parents of students with disabilities have adequate resources and support needed to facilitate their children's learning? Please check all that apply:

- A. Offering respite care services or additional 1:1 paraprofessional support
- B. Offering additional assistive technological tools to students with disabilities during distance learning (streamtext, brailnote, etc.)
- C. Communicating about how IEPs will be administered for the duration of the COVID-19 pandemic
- D. Engaging with parents of students with disabilities about the allocation of CARES funds prior to making purchasing decisions
- E. Other (please specify): _____

6. If you checked any of the strategies listed in Question #5, please describe any successes and/or challenges you've experienced while implementing them:

7. Does the district have any students dually-identified as English language learners and as students with disabilities, and, if so, have any specific strategies been particularly helpful during the pandemic to facilitate their learning?

- A. No; the district does not have any dually-identified students
- B. Yes; (please describe strategies): _____

8. What strategies have helped inform your district's approach to ensuring the integration of students with disabilities with their general education peers (for example, if they are immunocompromised and need to opt-out of in-person learning, or are unable to socially distance)?

- A. None; the district has not come across this issue
- B. Yes, (please describe strategies): _____

9. Has the district created cohorts to offer in-person instruction for students with disabilities? If so, what successes and/or challenges have you experienced with this model?

10. What solutions has the district come up with to accommodate students and their teachers/aides) if they are unable to adhere to CDC guidelines (such as social distancing and wearing masks) once in-person instruction resumes?

a. None; the district has not come across this issue

b. Yes, (please describe): _____

11. Is there anything else on the topic of distance learning and/or school-reopening for students with disabilities that you would like us to know - particularly any information related to the implementation of SELPA guidelines?

12. Is there any information that you would consider helpful for us to collect during the parent survey portion of this study?

APPENDIX II

SANTA CRUZ COUNTY COMMISSION ON DISABILITIES DISABILITY ACCOMMODATION IN EDUCATION DURING THE PANDEMIC PARENT SURVEY

Difficulties with Distance Learning and/or School Reopening for Children with Disabilities

1. Lacking behavioral support (for example, 1:1 paraprofessional staff) for my child is:
Not an issue A moderate issue An extreme issue
2. Having a work schedule that interferes with my ability to assist my child is:
Not an issue A moderate issue An extreme issue
3. Having a work schedule that interferes with my ability to take my child to/from school for 1:1 services or cohorts is:
Not an issue A moderate issue An extreme issue
4. Increased need for respite care due to more time spent at home is:
Not an issue A moderate issue An extreme issue
5. Providing transportation to and from school (for 1:1 services, cohorts, or evaluations) is:
Not an issue A moderate issue An extreme issue
6. Access to Wifi is:
Not an issue A moderate issue An extreme issue
7. Access to a Laptop for distance learning is:
Not an issue A moderate issue An extreme issue
8. Please list any other difficulties that you have encountered during distance learning that have not been listed above:

9. Describe how the school has effectively addressed the concerns listed above and any additional strategies they could also use to further address them:

Strategies to Mitigate Gaps and Barriers in Education for Children with Disabilities

1. Meeting with my child's IEP team to offer my input on adjusting benchmarks, goals, and/or timelines for my child is:
Not helpful Moderately Helpful Extremely Helpful
Not offered, but would be helpful Not offered, but would **not** be helpful
2. Parent trainings offered by teachers/staff on implementing teaching procedures effectively at home is:
Not helpful Moderately Helpful Extremely Helpful
Not offered, but would be helpful Not offered, but would **not** be helpful
3. Parent trainings offered by teachers/staff on implementing behavioral strategies effectively at home is:
Not helpful Moderately Helpful Extremely Helpful
Not offered, but would be helpful Not offered, but would **not** be helpful
4. Parent training offered by staff on availability and effective use of assistive technologies is:
Not helpful Moderately Helpful Extremely Helpful
Not offered, but would be helpful Not offered, but would **not** be helpful
5. Expanded translation/interpretation services is:
Not helpful Moderately Helpful Extremely Helpful
Not offered, but would be helpful Not offered, but would **not** be helpful
6. Clear updates on my child's progress is:
Not helpful Moderately Helpful Extremely Helpful
Not offered, but would be helpful Not offered, but would **not** be helpful
7. School facilitated opportunities for interaction between students (even remotely) is:
Not helpful Moderately Helpful Extremely Helpful
Not offered, but would be helpful Not offered, but would **not** be helpful
8. Transparency, clear communication and opportunities for parent engagement/feedback provided by the school during the reopening process is:
Not helpful Moderately Helpful Extremely Helpful
Not offered, but would be helpful Not offered, but would **not** be helpful

9. Teachers adopting specific strategies to engage students with **online learning** is:
- | | | |
|-----------------------------------|--------------------|--|
| Not helpful | Moderately Helpful | Extremely Helpful |
| Not offered, but would be helpful | | Not offered, but would not be helpful |
10. School maintaining specialized instruction and related services(occupational therapy, speech therapy, etc.) is:
- | | | |
|-----------------------------------|--------------------|--|
| Not helpful | Moderately Helpful | Extremely Helpful |
| Not offered, but would be helpful | | Not offered, but would not be helpful |
11. List your primary considerations when determining whether or not your child should attend optional in-person classes during their school reopening:
12. Describe any other strategies your school has adopted to effectively mitigate gaps and eliminate barriers which have not already been mentioned:

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13. Please describe any strategies, tools, or services that your child's school could provide (in distance learning and/or hybrid learning) that would be most helpful to you

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APPENDIX III

SANTA CRUZ COUNTY COMMISSION ON DISABILITIES DISABILITY ACCOMMODATION IN EDUCATION DURING THE PANDEMIC POST-SECONDARY EDUCATION INTERVIEW QUESTIONS

1. Have any new/novel accommodation requests come up during COVID/the switch to distance learning?
2. Have there been any shifts in how you're distributing assistive technologies?
3. How is training for assistive technologies being administered?
4. Are there any new technologies that are being employed?
5. Are there any new technologies or accommodations that aren't as effective during distance learning?
6. Do you have a sense for students' experience with asynchronous classes? How many asynchronous classes are being offered?
7. Are there any accommodations that professors have resisted/expressed concerns about?
 - a. If so, has this differed from their concerns during in-person instruction?
 - b. If so, do you think that there is any difference across disciplines?
8. What kind of training resources are available to teachers on-campus to incorporate universal design/ensure that their syllabi and course design is accessible to students?
 - a. If so, is there a university-wide policy around this, or just something professors are generally opting to do?
9. Are there any changes in documentation requirements for accommodations during COVID-19?
10. Do you know if professors have been recording webcasts of their classes?
11. Are there any gaps in policy that you've identified during this time where students' needs aren't being met?
12. Is there anything else that you would like to share, or feel is important for me to know?