

DISABILITY RIGHTS CENTER - NH

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Governor Sununu Acts to Protect Special Education Rights

Children with disabilities are among the most vulnerable students in the COVID-19 public health crisis. Students with disabilities across the state have missed significant instructional time as well as related services such as counseling, speech language, occupational, and other therapies. Many schools are closing earlier than scheduled. Access to extended school year services (ESY) remains uncertain for some students and some schools have not begun discussing compensatory educational services.

We applaud today's actions by Governor Sununu to ensure this vulnerable population receives the special education services and supports they require and are entitled to under federal and state law through the issuance of Emergency Order #48. The Governor recognizes that schools cannot delay efforts to meet the educational needs of children with disabilities and that they must include parents in the process of determining the instruction and special education services their children require to receive an appropriate education and make meaningful progress on their Individualized Education Program (IEP) goals.

We believe that the Governor's Executive Order provides reasonable deadlines for schools to meet with parents and determine what Extended School Year services and compensatory education services students with disabilities require to prevent regression and make up services and supports children with disabilities require to receive an appropriate education. In addition, we are pleased that the Governor's order makes it clear that schools must comply with evaluation timelines, but allows some flexibility for schools to obtain information needed so that students can receive the services and supports they need.

We hope that schools will begin holding meetings with parents, conducting necessary evaluations, and providing services as soon as possible, including in person services individually or in small groups.

"Children with disabilities are entitled, by law, to have IEPs that are individualized and designed to meet their unique needs. Although some students with disabilities have benefited from the remote instruction/remote support model, many have been left behind and have regressed. I am pleased that Governor Sununu recognizes that one-size-fits-all solutions are not appropriate for students with disabilities and is calling schools to action," said Karen Rosenberg, Senior Staff Attorney, Disability Rights Center – NH.

DRC-NH is open during this crisis and welcomes calls from people with all types of disabilities on legal issues related to disability and COVID-19 including calls on special education services.

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Protection and Advocacy System for New Hampshire

DRC-NH is New Hampshire's designated Protection and Advocacy system and is dedicated to eliminating barriers existing in New Hampshire to the full and equal enjoyment of civil and other legal rights by people with disabilities. More information about DRC-NH can be found at <http://www.drcnh.org>.