



# Communication**FIRST**

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## National Survey Reveals Students with Communication Disabilities Are Being Denied Safe Access to Education

January 4, 2021



*Twelve-year-old AAC user Leo True-Frost participates in virtual learning with his father, Jim True-Frost, supporting him.*

In November and December 2020, CommunicationFIRST surveyed families of students with expressive communication disabilities and significant support needs about how well they are being supported to access their education during the pandemic. Families were invited to participate if the student had been enrolled in a public or private Pre-K to 12 school in the United States at some point since March 2020, and if the student required in-person supports before the pandemic to access any kind of educational opportunity due to their disabilities. 244 families from 30 states responded to the survey in at least 125 school districts, including [six of the 10 largest](#) districts in the nation by enrollment.

This survey is by no means scientific, but the results and comments submitted by families across the country provide insights into the day-to-day realities of and creative solutions to accommodating and educating high-support-need, high-COVID-risk students safely during a pandemic. Here are the key takeaways:

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- Despite schools knowing that some students with significant disabilities require in-person supports as an accommodation to access any kind of learning, 88 percent of survey respondents reported their districts are not providing any in-person supports to these students to enable them to safely access virtual instruction. These students are thus being denied safe access to the same educational opportunities their nondisabled classmates are being provided.
- If any in-person supports are offered, most school districts are requiring students to travel to riskier group settings in a school building to receive them.
- These students – due to their disabilities – face higher risks of both contracting COVID and dying from it. They are often unable to follow risk mitigation protocols like wearing a mask and maintaining physical distance.
- Despite the higher risks they face, school districts are asking these students to decide between remaining safely at home *without* the supports they need to access virtual learning, or to risk their health to enter a group setting in a school building.
- The most marginalized families who are unable to hire outside support and who do not have a parent who can serve as an unpaid paraprofessional have no choice but to send their children to group settings in school buildings even if they are concerned about the risks.
- At least 13 school districts in seven states are successfully collaborating with families to provide in-person support accommodations safely in student homes. At least another two districts are designating private classrooms for a single student-aide pair so they do not have to be exposed to additional students and adults in the school building. These districts show that it is possible to safely and reasonably provide students with the in-person supports they need to access virtual learning.
- Because vaccines will not be available for children until August 2021 at the earliest, this situation will endure through at least the rest of this school year. CommunicationFIRST urges more school districts to learn from these creative examples to ensure the most marginalized students with disabilities do not fall further behind and experience further discrimination and denial of access.

### ***Students with Communication Disabilities Need In-Person Supports Just to “Get in the Door” of Virtual Learning***

There is no question that most students with expressive communication disabilities, including students who must rely on augmentative and alternative communication (AAC) to be heard and understood, require full-time in-person supports in order for them to access any kind of



instruction and educational opportunity. Before the pandemic, school districts recognized this need and provided this accommodation either in the form of a dedicated, 1:1 paraprofessional (65% of respondents) or in a small group setting with a low student-teacher ratio (30% of respondents). These in-person supports are needed regardless of the form or setting of the instruction – whether “face to face” in a school building, or on an online platform from home, synchronously or asynchronously. In their own words, parents report:

- *“Other parents and I are having to support our children 100% of the time that they are virtual. My child cannot even get into online sessions without my help.” (Pennsylvania)*
- *“Students that require 1:1 intensive support during school are absolutely going to continue to need that in the home environment.” (New Hampshire)*
- *“My son requires nursing support along with 1:1 care, behavior support, related services, etc., and it is near impossible for one person (me!) to provide all that support independently. ... The reality is that he would need that additional support person, regardless of where he is learning.” (New Hampshire)*

In a virtual learning environment, another human being is needed as an accommodation to help students with significant motor disabilities turn on their tablet or laptop, log in to Zoom, Teams, WebEx, or Google, and maneuver a mouse to turn the mute and camera buttons on and off. **An adult supporter by their side is an accommodation as necessary to virtual learning as a wheelchair ramp is to wheelchair users entering a brick and mortar school. Our students require full-time, in-person supports just to “get in the door” of the virtual classroom, and also to participate, communicate, engage, and complete assignments.**

Generally less than one percent of students in a school district need this level of in-person support. Their disabilities are significant enough that if Medicaid disability waivers are available in their state, they are usually eligible to receive them. In addition to communication disabilities, they often have diagnoses of autism, cerebral palsy, Down syndrome, or rare genetic syndromes. They may or may not have a mobility or intellectual disability or be medically fragile. And they may be enrolled in “regular education classes,” “special education classes,” or a mix of the two.



*A student being supported by his aide to access virtual learning from home.*

### ***Concerns About Unstable and Uncertain School Plans***

Frustration due to instability and uncertainty in instructional delivery methods were common themes in the survey. Several parents expressed that they have sought out instructional delivery options that would mean the least change and greatest stability for their child, even if the instructional delivery method offered was less than ideal for other reasons (e.g., their student does better learning face-to-face in group settings, or has difficulty engaging with screens). The majority of districts seem to offer a full-time virtual option to all students who want that, but many respondents reported that their districts have changed instructional approaches during the year, sometimes with little notice:

- *“They started in person school 2 weeks ago but now it’s all virtual again.” (Virginia)*
- *“We’ve had 2 weeks full at school, then 2 weeks remote and this cycle has repeated due to COVID cases.” (New Hampshire)*
- *“Changes based on stop light approaches with cases” (Kentucky)*
- *“Have moved back and forth between full time in-person and hybrid based on county Covid infection rates” (Washington)*
- *“Currently virtual for 2 weeks due to covid related shutdown” (Pennsylvania)*
- *“Started out full time in person but is now part time online” (Colorado)*



- *“Was full in-person, then distance then 1/2 day in person. Covid shifting constantly.” (Michigan)*

A parent in Washington state who was comfortable sending their child in to a school building for part of the week reported concern about not having a back-up plan if school closes due to a COVID outbreak: *“My child has a 1:1 aide in school building 4 days a week and then I have to pay someone for the 5th day at home. A concern is also when they get sent home due to cases; we have no back up plan as they have denied sending an aide to the home.”*

### ***These Students Face Greater Risks of Getting COVID and Dying from It***

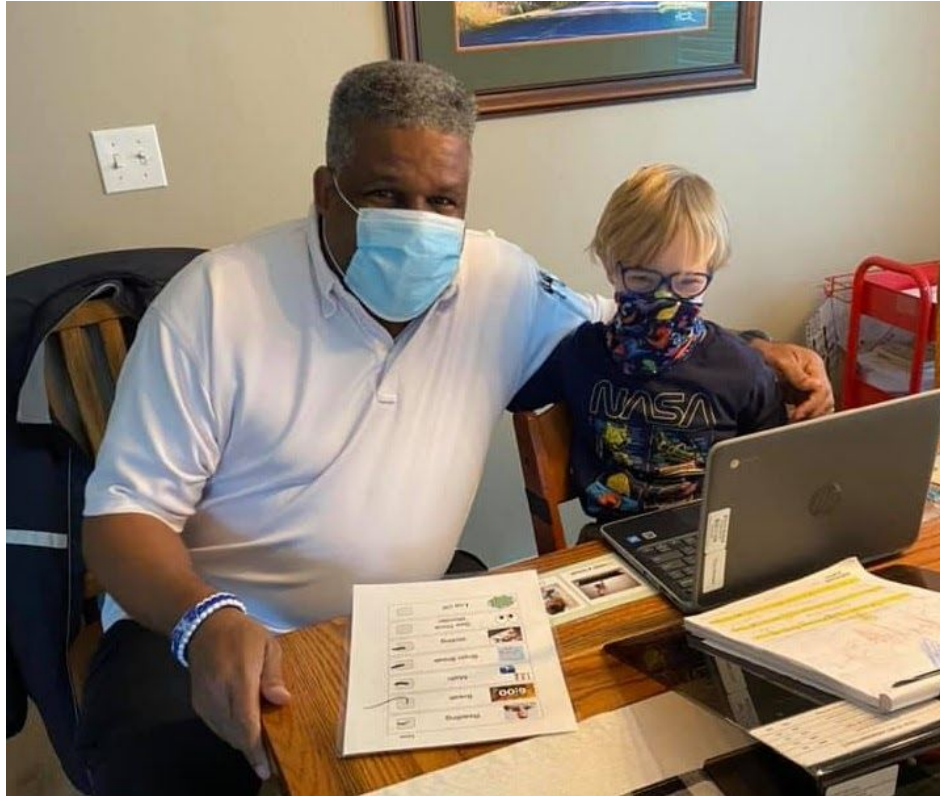
About 15 percent of survey respondents reported their districts were offering to provide in-person supports to students in group settings in school buildings, but many noted they rejected these offers because they were uncomfortable with the higher COVID exposure risk this option involves. Nearly all students who cannot rely on speech to be understood have intellectual or developmental disabilities (I/DD) – a group that we know from nine studies completed to date is between [1.7 and 16 times more likely to die from COVID-19](#) if they get it.

These students also face a higher risk of getting COVID in the first place. Because of their disabilities, many are unable to wear masks or stay six feet apart from others. In fact, they need adult assistance within reach to get through much of their day and help manage physical and motor tasks. Thus, even though this group faces substantially greater risk of dying from COVID, they often cannot reduce their risk of catching COVID because they cannot take the prevention measures that students without disabilities can take.

Because of these two heightened risk factors, parents of students with expressive communication disabilities are often extremely reluctant to send their children into school settings where more than one student and one adult are sharing a room, simply due to the heightened transmission risk those environments pose.

In addition, COVID is exacerbating stresses these families experience normally, given the reduction in safety net supports during the pandemic. They know that if a parent or other critical caregiver were to become debilitated by COVID, there are few back-up options in place to care for the student in their absence. Because of these multiple risks that cannot be mitigated, many families in this category must take extra precautions that families of students without disabilities may not have to consider to ensure no one in their household contracts COVID. Our survey reveals they are often unwilling to send their high-support-need students into school for safety reasons, and are therefore more likely to seek safer, virtual instructional opportunities being offered to students in the district.





*A student with his paraeducator helping him to access virtual learning from home.*

***Nearly Ninety Percent of Respondents Report Their Districts Have Not Offered In-Person Supports in Any Form to Support Virtual Learning***

Thirty-six respondents in 18 states (AZ, CA, CO, FL, GA, IN, IA, KS, MA, MI, NH, NY, OH, PA, TX, VA, VT, WA) reported their children were receiving instruction full-time in a school building at least at one point this school year. 137 families reported their students were receiving instruction full-time on a virtual or online basis, and another 58 were receiving instruction on a “hybrid” basis (i.e., part-time virtual and part-time in a school building).

**For the 195 respondents who reported that instruction was being provided virtually at least part of the time, 88 percent reported their districts had not offered any in-person supports to ensure their student with significant in-person support needs could access that virtual instruction.**

In the absence of school-provided in-person supports, 132 respondents reported that a family member is acting as an unpaid aide to help the student access virtual learning during the



2020-2021 school year. Another 27 respondents said that they were privately paying for an aide to come to their homes to ensure their students can access virtual learning. Thirteen families in eight states (CO, MD, MN, NJ, NC, VA, WA, WI) reported being able to use a Medicaid-funded personal care attendant to provide some level of support in the student's home to access virtual learning during the school day. Only 36 respondents reported that their child "is receiving the in-person supports they need to access virtual instruction" and several respondents noted that was because they were in a position to be able to provide that support themselves.

Nearly half of the survey respondents (113) said they were unwilling to send their student into a school building with other students present because of the COVID transmission risk, but that they were willing to have a dedicated aide enter their home to support the student if they agreed to form a safety "bubble." One respondent reported on the calculus they underwent in deciding to keep their child home, even without adequate supports: *"Since all the GenEd classes are virtual, if he went to school in person in a special-ed setting, they would be sitting in front of a laptop all day, with an untrained aide, and not able to participate; also the health risk for doing this was not worth it to our family."*

Eighteen respondents reported that their school aide had said they were willing to form a bubble with the family and provide in-person supports in the student's home, an offer the district inexplicably refused. Some respondents said the aides preferred that option to working in a school building, viewing the in-home arrangement as safer and with lower transmission risk. Aware of the heightened risk of group settings, teachers and staff are often very reluctant to work in school buildings right now.

### ***"Virtual Aides" Not Effective***

Several respondents reported that their district was attempting to support students with paraprofessionals "virtually." Comments on this approach included:

- *"The aides are only available virtually, which do us no good since we need a side by side aide to complete any and all work" (Arizona)*
- *"In theory there's support online if you call having a para watching the virtual learning ..." (New York)*
- *"1:1 is assigned for virtual, but that person cannot be effective without physical presence, the ability to physically prompt/support, see the device screen or read the rest of my daughter's communication in the rest of her body." (Wisconsin)*



- *“Our district states that by having the aide on the Zoom meeting counts as providing that support even though not in the room with my child” (Virginia)*
- *“When my son had to go virtual for the one week, ... his nurse and other staff providers were on the other end of the computer but they were not in person at our home helping him access that.” (New Hampshire)*

### ***Reasons for Denial of In-Person Supports***

Why are school districts refusing to provide students in-person supports in safe, individual settings, for example in student homes, in a private classroom at a school, or in a private room at a library or community center? Sixty-seven percent of respondents reported that their district had provided no clear reasons for denying those in-person supports. When the denial was explained, respondents reported the districts said:

- *“there is a nursing shortage” (Pennsylvania)*
- *“we don’t have the necessary staff” (Colorado)*
- *“district policy is not to allow any staff into family homes” (Virginia)*
- *“unprecedented times” (Washington)*
- *“just not possible or safe” (Illinois)*
- *“the state will not allow in-home paraprofessionals” (Washington)*
- *“it is not required” (Georgia)*
- *“it is what it is” (Virginia)*
- *“the teacher union forbids aides from working 1:1 with students without in-person supervision from a teacher” (California, Illinois, Maryland, Michigan, Minnesota, North Carolina, Virginia, Washington, Wisconsin)*
- *“worried that families will sue the district if an aide transmits the virus to the student” (Arizona, California, Illinois, Maryland, Minnesota, Virginia, Wisconsin)*
- *“no child in the District is receiving in person services” (Pennsylvania)*
- *“because meeting those needs are ‘too hard’ at the moment” (Virginia)*





One respondent in Maryland reported their school district is blaming families for “non-compliance” if they cannot provide necessary in-person supports on their own: “We cannot find anyone privately and the school district refuses to help. If parents can’t fill the need then they say the parents are non-compliant, not the school district.”

### ***What Is Virtual Learning Like Without In-Person Supports?***

Respondents shared disturbing anecdotes about unsupported virtual learning. Two families reported that they had been retaliated against by their district for requesting the in-person supports described in their child’s individualized education program (IEP). Several respondents described how the device their student uses to communicate is the same device the district insists also be used for instruction; even though the device is unable to operate both functions simultaneously.

Inexplicably, in one of the largest school districts in the country (San Diego Unified School District), one family reported that in-person support is being offered to students who do *not* have speech disabilities, but denied to those who *do*. Some families have been instructed by their districts to log in to virtual instruction merely to register attendance, with the district having full knowledge the student is unable to access any content after logging in because they don’t have the in-person supports they need to do so.

Others reported that discrimination against students with disabilities persists even without any potential COVID-related excuse. For example, one family reported their district insisted that the student undergo additional evaluations before the student could be permitted access to regular education classes via Zoom. Another parent in Virginia said that their child’s time in the regular classroom setting “was significantly cut when the district moved to virtual learning. My child went from 16 hours of general education/week and 11 hours of special education in a self-contained setting/week for in-person placement, to 15.25 hrs of special education in a self-contained setting/week and just 6.75 hrs of general education/week in the virtual setting.” Another district refused to issue a student with a disability the same MacBook device that was issued to all other students, and which is required to access instruction in that district.

Overwhelmingly, families described making difficult choices in the face of districts’ denial of safe, necessary in-person supports. They reported having to either request unpaid leave from their employment to serve as an unpaid paraprofessional, incur significant personal expenses to hire outside help, or to neglect their child’s education this school year. Some families reported on financial sacrifices they had had to make to support their student’s virtual instruction:



- *"I had to take an unpaid personal leave from work. ... I have no income and no state support. I need help." (New Jersey)*
- *"School refuses to send an aide, family members aren't available to provide support at needed level" (Pennsylvania)*
- *"I am going on leave without pay from my job to provide full time assistance for my child to access virtual learning." (Virginia)*
- *"This lack of support has been devastating to our family. Our daughter has significantly regressed and I am considering leaving my job because she needs help that no one provides." (Wisconsin)*
- *"My job is going to stop allowing me to work from home in January and I'm going to have to take unpaid leave because my kids both need a dedicated adult in order to access education." (Virginia)*
- *"Schools should be offering to pay parents who are acting as aides. Why aren't they? It's very awkward to have to negotiate that right now; easier to 'let it go' but it feels very unfair." (Pennsylvania)*
- *"We need to be SO involved that one of us has to not work so we should be getting some funding of some sort?" (California)*

Reports of regression, exhaustion, and anxiety were also prevalent:

- *"There is nobody to provide in person supports because I am a single mom, working from home with 3 kids who have disabilities. My child is on her own and struggling/failing." (Virginia)*
- *"My daughter is not getting what she needs, and it doesn't feel like there is a viable option as long as the virus is a risk. She is medically fragile and we can't expose her. But my husband and I both work full time and so can only provide 1:1 support for her during her school day for part of the day. She is only getting 1/2 hour direct instruction a day - this is reading instruction. There is no math instruction. The virtual group instruction is not adapted for her, (cannot be adapted without a communication partner sitting with her). It is terrible. Additionally, we usually get support from the assistive technology specialist at her school ... and her device needs to be programmed because of several ongoing issues. We have a hard time finding time to fix it, and [assistive technology support] is not available during virtual learning." (North Carolina)*



- *“Parents who can afford not to work are drowning in their workload, those who cannot, leave their children in front of virtual classes completely unattended, those who work outside of their homes are not signing on to virtual classes at all. All therapies are virtual. Some parents refuse to do the [physical therapy] for fear of harming their children as they are [not] trained therapists, other parents are unable to because of their own physical status, language barriers, lack of time to fit into therapists' schedules, etc.” (Maryland)*
- *“I am so exhausted trying to keep our son attending zoom, picking up after him trashing our house, etc (we have no outside assistance with him) that I am not able to implement/train him and myself on his (newish) AAC device and it's stressing me out. The district has offered to train me via zoom but the thought of trying to take on another device after chasing him around with an iPad for school zoom for months is overwhelming. On top of this, the district is trying to drastically cut the hours for training on the device since last year's IEP (which we refused to sign). They also were out of compliance with the number of hours of training provided for the year prior to going into virtual learning due to loss of staff.” (California)*
- *“The school portal says my child is attending – and earning straight A's – when in fact he is having NO SCHOOL WHATSOEVER!” (Michigan)*
- *“We access virtual learning sporadically, county does not provide any in person/home support and we can't find anyone privately.” (Maryland)*
- *“We aren't able to participate. No internet at home and no aide support.” (California)*

Several families described deciding to withdraw their *nondisabled* children to homeschool them this year, but reluctantly decided to keep their disabled child enrolled to suffer through unsupported virtual learning because they were concerned about losing hard-won IEP accommodations, placements, and services once school returns to normal. A Colorado parent was frank: *“We are homeschooling the others, but don't want to go through the hassle of reinstating the IEP and placement so are keeping that kid in remote, which sucks big time.”*

A parent in North Carolina reflected on the “unjust” situation at length:

*Ever since schools went virtual, I've been livid that they've refused to send aides to our home. Instead, the schools are pressuring working parents to somehow sit with our kids through the school day and complete often unmodified and inappropriate assignments. This can't be legal. It seems to me that the school is only trying to check boxes to be able to tell the state they are satisfying academic requirements. For instance, after I told the teacher, principal, and exceptional education coordinator*



*that my daughter could not at all sit through and understand virtual lessons, they told me to just log in every morning to register her attendance in order to satisfy state requirements. I thought it was dishonest to say she was attending school when they weren't providing her with appropriate instruction. After a few weeks, they threatened me with truancy court and sent me an "attendance plan." ... I can't send her to school. Nobody should be going at the rate this virus is spreading. There are several high-risk members of my household, including my daughter. This has been awful, and I want to see school districts all over the country held to account. They use safety as an excuse not to send an aide to the homes of kids with disabilities while they somehow find a way to keep close contact school sports going. It's hypocritical and unjust.*

### **Equity Issue**

As described, most districts, if they are providing any in-person supports at all, are offering them only in exponentially riskier group settings in classrooms, where most of the other students present cannot wear masks, maintain distance, or follow other safety protocols because of their disabilities.

Families who are aware of the risks and who have any capacity to keep their student home are doing so. School districts often frame families' decisions not to send their children to school to receive in-person supports as "their choice." In other words, they are characterizing family decisions to turn down in-school supports as a voluntary election. But families do not view it this way. They view the districts' offer as unsafe, untenable, and not a real election. Some view these offers as discriminatory, pointing out that these districts offer students *without* disabilities educational opportunities in virtual, online environments that can be accessed safely from home. **These districts, knowing this group of students with significant disabilities needs in-person supports to access those same opportunities, are telling those students that the only way they will provide that "wheelchair ramp" of in-person supports to allow them to access the same safe, virtual learning opportunities is to risk their lives by entering a group setting in a school building.** As described above, these students are both at greater risk of contracting COVID because they cannot take the same precautions students without disabilities can — and of dying from COVID if they get it. Both the COVID contraction and fatality risks are higher because of the nature of these students' disabilities. These risks are commonly known. And yet, school districts often demand these students take these much higher risks that cannot be mitigated as a condition of getting the supports they need just to access virtual learning, even though students without disabilities in the same district are not having to take such risks with their lives to access virtual learning.



Requiring students who are already at heightened risk of dying from COVID – and who cannot take safety precautions against transmission – to risk their lives just to receive those in-person supports is no choice at all, according to survey respondents. Requiring students with disabilities and heightened COVID risks to risk their lives to access a basic education when students without disabilities are not being asked to take such risks is arguably discrimination on the basis of disability and a [violation of their civil rights](#). A parent in Pennsylvania described this as a “[Catch-22 situation](#)”: “[My child needs services offered by school districts more than most, but would be affected by the virus more than most.](#)”

Indeed, many respondents in our survey reported they had rejected school district offers to provide in-person supports in a group setting in a school building when that option was made available, explaining they did not feel such an arrangement was safe. One parent in Virginia noted, “[We have been very concerned about other special education students being given waivers to remove masks in school and therapy groups and the risk it poses to medically vulnerable children like ours. The school has tried hard to pressure us into returning our child to school 2-3 days per week but their safety steps have too many risky loopholes that could expose our child to the virus.](#)”

Perhaps most concerning from an equity perspective are the families who are concerned about the risks but do not have the financial resources to leave their jobs and act as an unpaid paraprofessional or to hire a private aide. These families are reluctantly sending their children to group settings in school because they have no alternative. As one Arizona parent commented:

*[It is completely unrealistic, not to mention inequitable, to expect parents of students with disabilities to decrease their family income so that their child can have equal access to education. This not only puts the family at great financial risk ..., but also creates a situation where the child may not have access to the full virtual/in person academic experience. What if the parents are not native English speakers? What if the parent that stays at home has a cognitive disability and is unable to assist? What if it is a single parent who literally CANNOT quit their job to be their child's teacher? The only people that lose here are the students and their families.](#)*

A parent in Virginia recently captured the situation in a Facebook post:

*[If schools could pay the adults supporting students with IEPs in the students' homes as substitute paras for a few hours each day, this might make it much easier for parents who need the income to instead stay home to support their students and reduce the 'need' for kiddos to go to school. Alternatively, if students could have an existing para visit in the home to provide learning support, this could reduce large groups in the school, as well. \(I would decline compensation, but I'm sure there are parents](#)*





*who would love an opportunity to be able to both make ends meet and support their kiddo to make the best of this new learning environment). This doesn't need to be a long-term solution, but creativity and out-of-the-box thinking is required as we see numbers rise. I'm tired of folks using kids like my son as an excuse to open schools and put students and teachers at risk for contracting the coronavirus during this pandemic. It's ridiculous. My son's long-term health and safety requires that all workplaces do the most they can to reduce the risk of community spread. Ending in person instruction is a part of that, in my opinion. What's more concerning is the notion that his disability somehow means he SHOULD be in a building with poor ventilation around other people where he's more at risk for coming in contact with this virus just because our schools are refusing to find creative ways to keep him safe through virtual instruction. I will never understand the logic here. But here we are.*

### ***At Least Thirteen Districts in Seven States Are Providing In-Person Supports in Student Homes***

Because the media has reported frequently about the straits many families are in, it may not be surprising to learn that so many students lack the in-person supports they require. But it may be surprising to learn that **fifteen respondents in thirteen school districts in seven states (California, Colorado, New Hampshire, Pennsylvania, Texas, Virginia, and Washington) are in fact providing in-person supports in the student's home, without requiring the student to be exposed to multiple other students and adults. Two additional respondents (one each in New Jersey and Wisconsin) reported that the school district had designated a private room just for the student and aide that no one else was allowed to enter to minimize transmission risk.**



*A student accessing virtual instruction from home with in-person supports.*



### ***Providing In-Person Supports Safely Is Both Possible and Necessary***

As seventeen survey responses demonstrate, school districts and families have figured out creative ways to ensure students who need in-person supports can access them in a safe and equitable manner. There is no reason all school districts cannot do the same.

One family described how they creatively worked out a solution with the school district to secure necessary in-home supports to support their child's access to virtual learning:

*When I first requested in-home support they said no. To me this meant “not yet.” I got a doctor’s note stating my son could not go into school because he’s at higher risk of COVID. Our entire district is virtual, but some special education students are in person. I am against sending my son in mostly because it’s not his placement. His placement is in general education with proper supports. I presented the doctor’s note and made my request in writing. The district then said yes, documented it in the IEP ... but then they couldn’t find anyone. They said no one from the district wanted to provide the support in-home. I’m not sure if that’s true or the district just created an unwritten policy that employees wouldn’t be going into the home. Finally, the beginning of October they found someone from an agency to provide the support. We’re still working out issues with this. Two issues: my son doesn’t usually have a dedicated 1:1, but instead a classroom paraeducator. The in-home para is sitting right next to him and I’m worried about learned helplessness. So, even though I got the district to follow the IEP, it’s still not ideal. We’re working on training with the paraeducator.*

Another parent, who has not yet succeeded in working out a solution with her district, described her intensive efforts to collaborate in New Hampshire:

*[We] tried to work collaboratively with our district and provided multiple solutions to providing this support by people who were already coming into our home because of the intensive needs our son has, but [our] School District has a law firm that works directly on IEP teams that consistently prohibited this idea to come to light. We worked closely with the Commissioner of Education at the DOE who spent numerous hours on the phone with us, the family and separately with the school district and they still would not budge. They really focused on getting everything situated with the “other” students that didn’t need as much support and then ran out of time to actually focus on those that needed the most intensive support. If they approached it with the mind-frame of universal design for learning they would have been able to meet the needs of ALL students at the same time, but they didn’t.*



As this parent noted, a practical solution to the potential obstacle that school districts may be unable to find willing employees to enter student homes and form a “bubble” with the family is to reimburse the family for their out-of-pocket expenses to provide the necessary accommodations that the district is temporarily unable to provide. Several districts are doing just that, or are entering into non-employee contractual relationships with in-person support people that the family has been able to locate if the district cannot or will not do this directly.

One family in Minnesota said their state explicitly allows school districts to contract with a third party to provide in-home aides, though their own district inexplicably refused to take advantage of this option to ensure the student’s access needs could be met safely.

**If at least fifteen school districts in multiple states can figure out how to safely provide in-person supports to the students who need them just to “get in the door” of virtual learning, there is no reason why other districts cannot do this.** A parent in Michigan said, “We wish our district would be more creative about getting the needs of their students with disabilities met. We have literally begged for additional supports, but have not received them.”

In many cases, staff members believe it is far safer to pair up and bubble with a family and provide in-person supports in student homes rather than expose themselves to multiple potential carriers of the virus in a school building. Family members of students who we know are at higher risk of dying from COVID-19 and who cannot take the same safety precautions often feel the same way. There may be reasons that sending or paying for an aide to support a student in the home does not make sense (for instance, if both parents work outside the home). In such cases, districts should be able to locate a safe dedicated room for the student and staff person to meet individually where they are not being exposed to multiple potential asymptomatic carriers of the coronavirus.

One respondent in Georgia reported that her son’s “paraprofessional was willing to work in person with him, [but] the administration would not budge.... His paraprofessional was willing to ... work in a private setting to access his virtual classes with him, however, even after trying to appeal to the school administrators, they said their hands were tied due to county policy.”

A parent in Pennsylvania expressed: “I am acting as an unpaid aide to support my son with disability virtual learning at home from 9:00 am to 3:00 pm each day. I hope school district can offer to reimburse us for the cost of us providing in-person supports in our home.”

A parent in New York City reported that her school



*laid off in-person paraprofessionals (aides) because they were not allowed to work. We were very upset that they wouldn't even consider having her aide help out virtually and they wouldn't let the aide contact us separately or she would risk her unemployment. It was horrible for both our daughter (4 at the time) because all of a sudden this person she relied on disappeared and for the aide, who was suddenly without income.*

A parent in Georgia reported that both she and the aide advocated for the aide to be allowed to support the student in-person in the school building, to no avail:

*No other student in any of his classes required a parent to assist with access, communication or to be present for the entire time. Although the paraprofessional was willing to work in person with him, the administration would not budge, as was the case throughout the county. Self-contained special education classes returned to school before the general population, however, my son was not allowed to be included in that group despite having intense support needs, as he was in gen ed and resource classes that were not returning yet. His paraprofessional was willing to have him back at that time and work in a private setting to access his virtual classes with him, however, even after trying to appeal to the school administrators, they said their hands were tied due to county policy.*

It is not clear why some districts are refusing to provide the in-person supports necessary to ensure students with significant support needs are able to “get in the door” to access safe virtual learning. Because most of these districts already pay for dedicated staffing for these students, and because many of those staff members are willing to — indeed in many cases would *prefer* to do so for safety reasons — form a bubble with the student’s family and provide supports in student homes, refusals based on dubious “policies” or other reasons are ringing hollow with many families.

## **Conclusion**

While some school districts do understand their obligation to provide accommodations in the form of in-person supports in a student’s home if that is the safest place for both the student and the aide, this unscientific survey reveals that most students are being denied this reasonable accommodation, and therefore are being denied access to the same, safe virtual educational opportunities being provided to students without disabilities.

The survey also reveals that creative, safe solutions to this difficult situation exist. Students who cannot rely on speech to be understood generally have intellectual or developmental disabilities, which means they are 1.7 to 16 times more likely to die from COVID if they get it.



Their risks of contracting COVID are also higher because, due to their disabilities, they often are unable to wear masks or maintain physical distance. Indeed, they typically require physically close in-person supports to assist with motor and physical disability-related support needs. Requiring these high-risk, high-support need students to place their lives at greater risk to enter a school building just to get the in-person supports they need to access virtual instructions is dangerous and arguably discriminatory when schools are not requiring students without disabilities to take similar risks to access virtual learning.

We know from this survey that more than a dozen school districts around the country have found safe ways to provide in-person supports to students either in their homes or in private classrooms. Schools can and must work with families to provide the in-person supports AAC users need to just “get in the door” of virtual learning. A vaccine will not be available to children under 16 for at least another 8 months. School districts and families must creatively work to find a solution to ensure this already marginalized group of students doesn’t continue to experience barriers to access and is not further isolated.

Read more about student rights to access in-person supports during virtual learning under the Americans with Disabilities Act [here](#).