# COVID-19 Does Not Suspend School Districts' Obligations to Special Needs and At-Risk Students

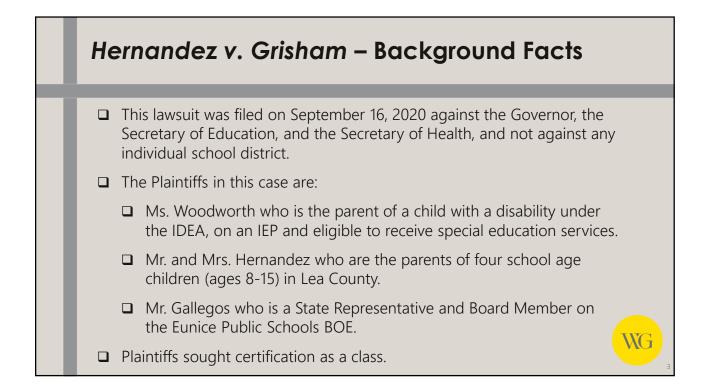
By: Elena M. Gallegos and Eric Rodriguez

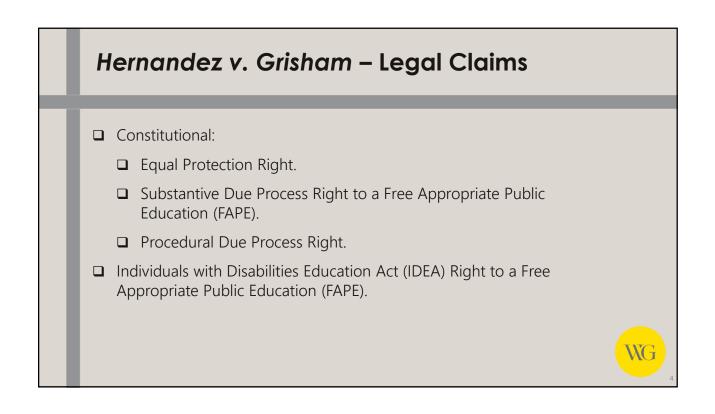


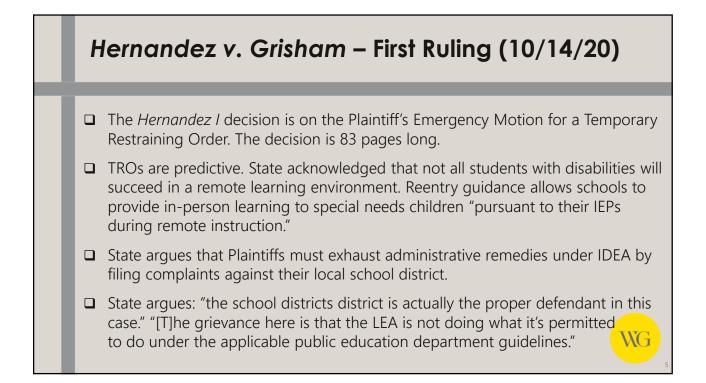
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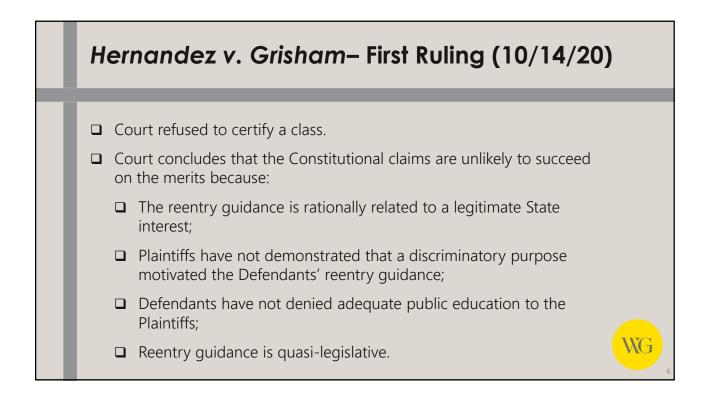
### Introduction

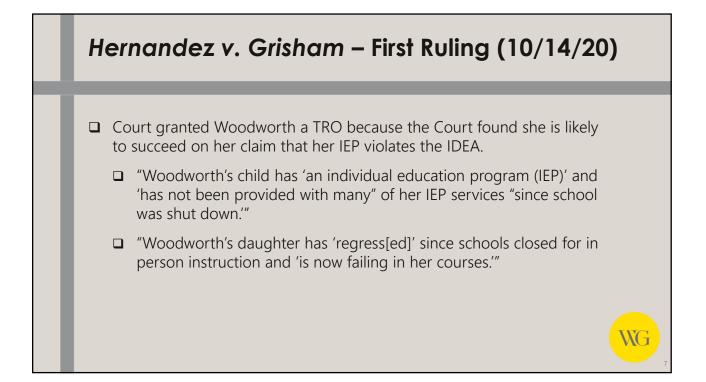
PED allows districts to return small groups of Pre-K through 3rd grade, special education and at-risk students for in-person instruction, even during remote learning, but leaves the ultimate decision to the districts. School decisions about serving those students during this time is particularly challenging and has resulted in at least one important court decision about which school leaders should be aware.

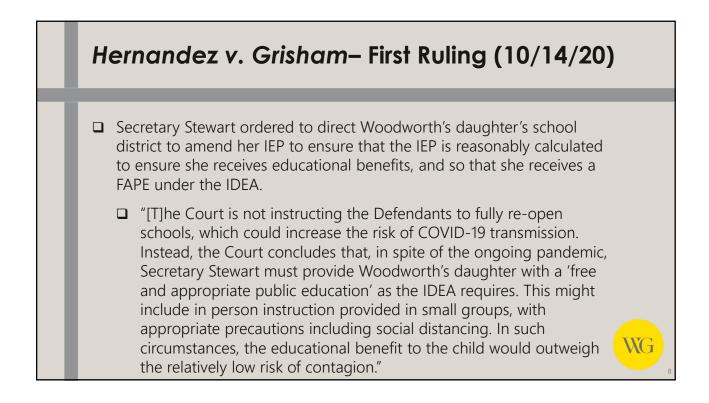


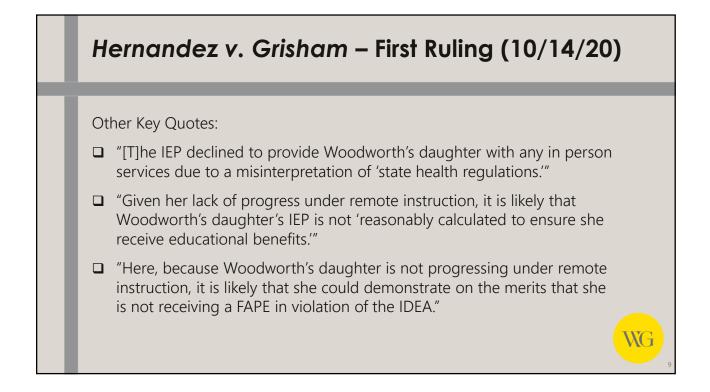


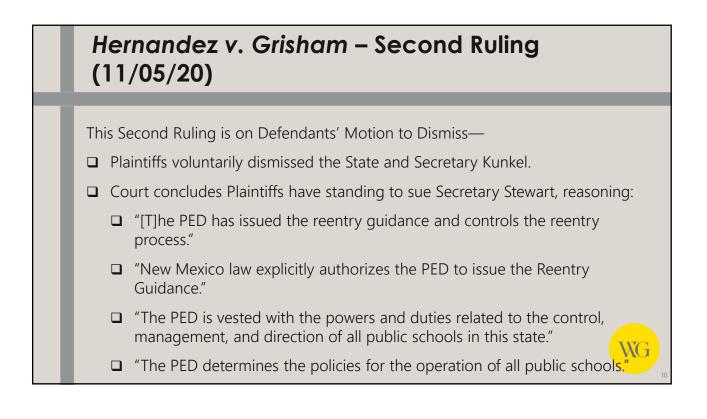


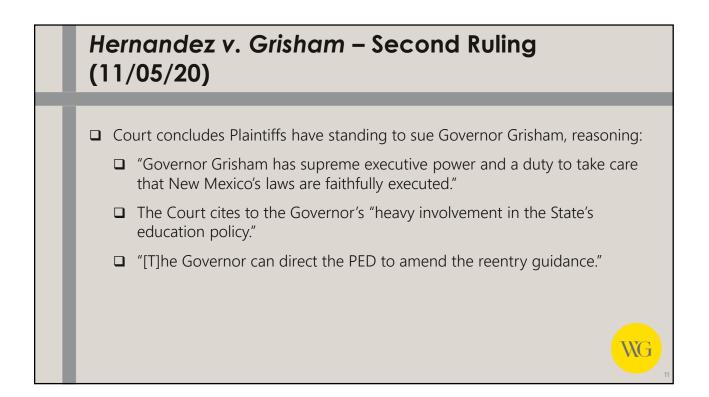


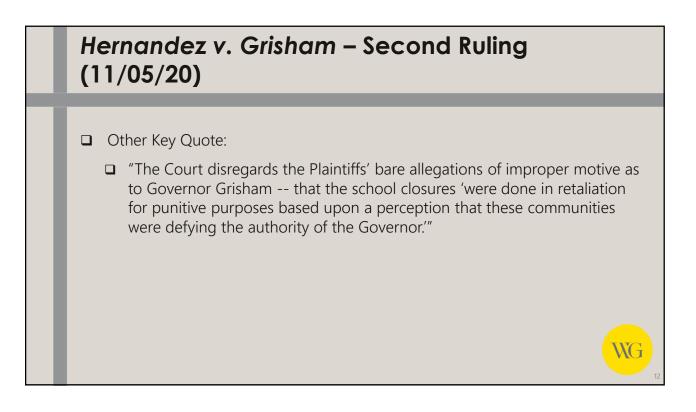


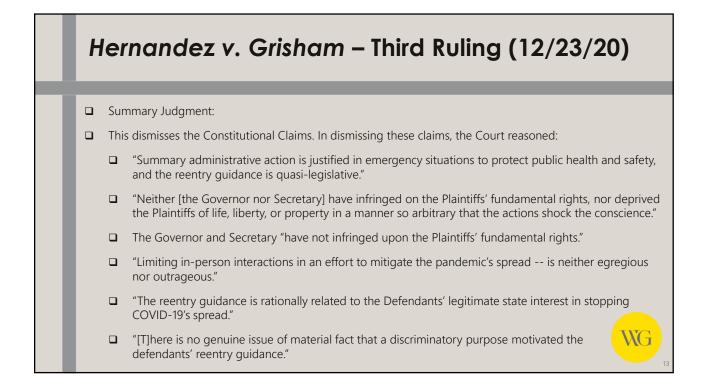


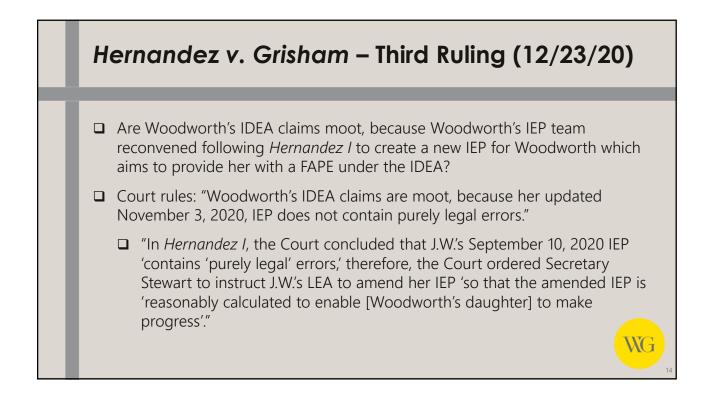


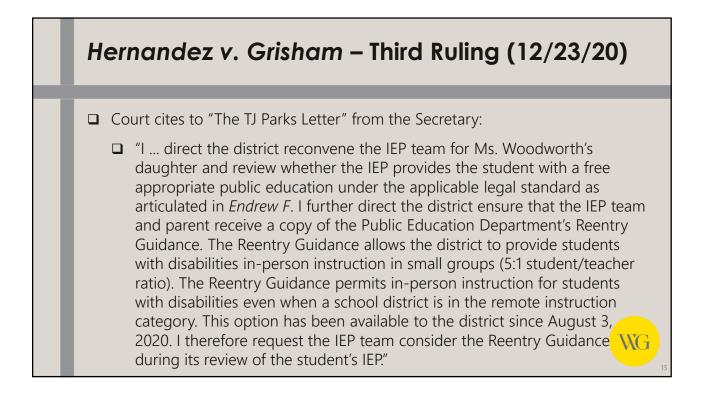


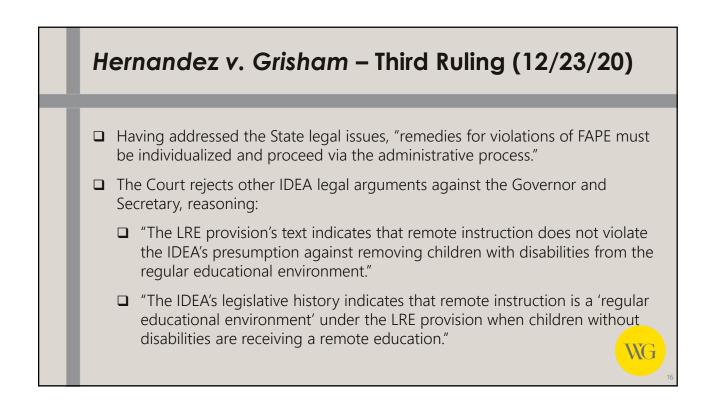


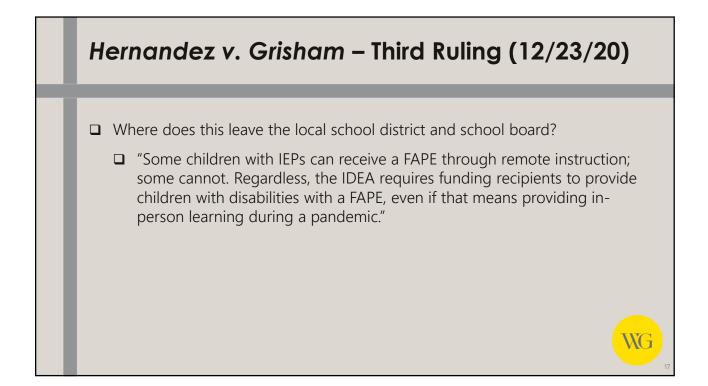


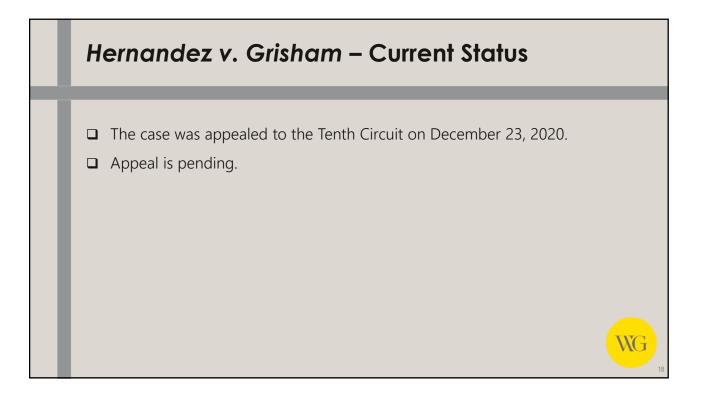


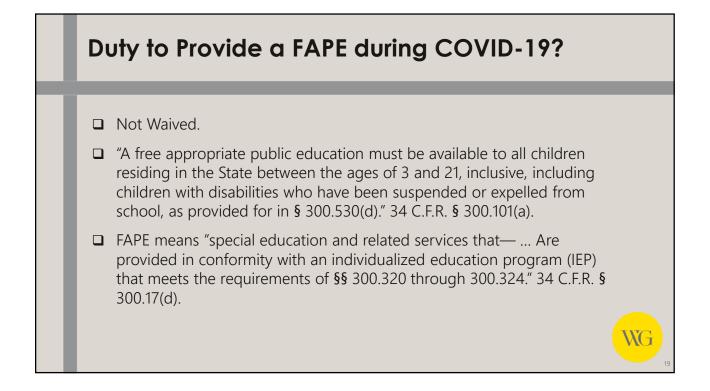


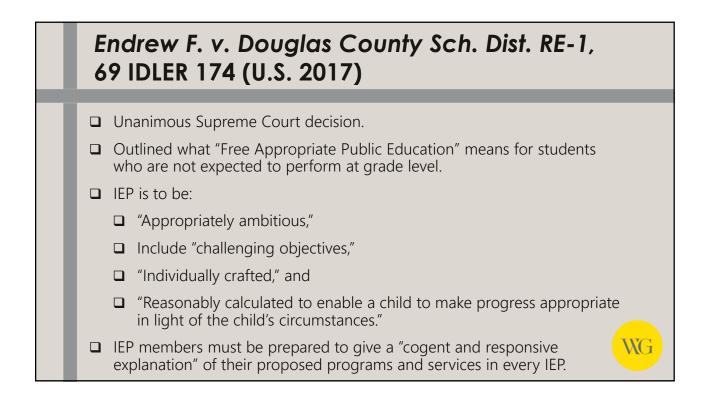


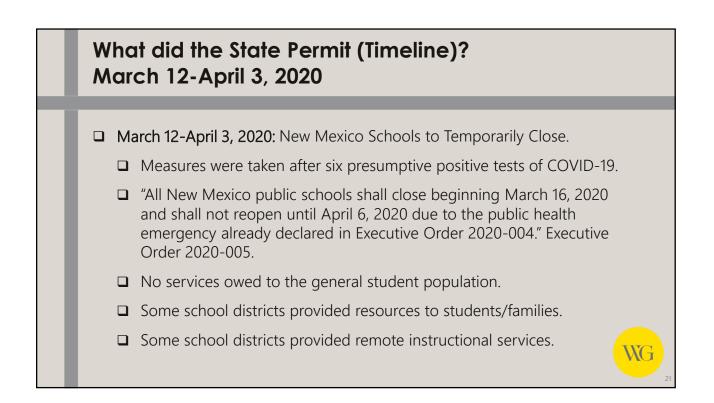


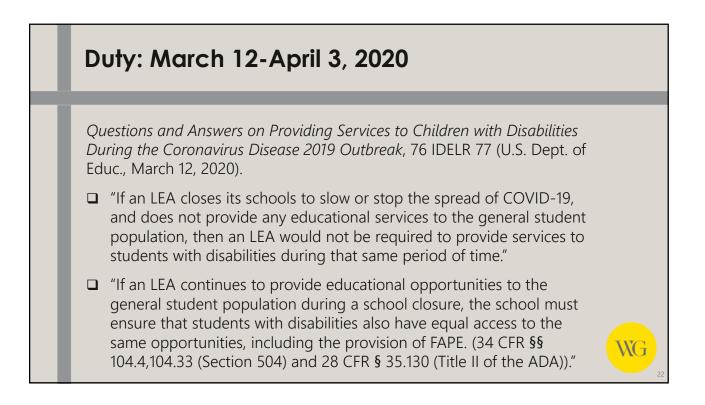


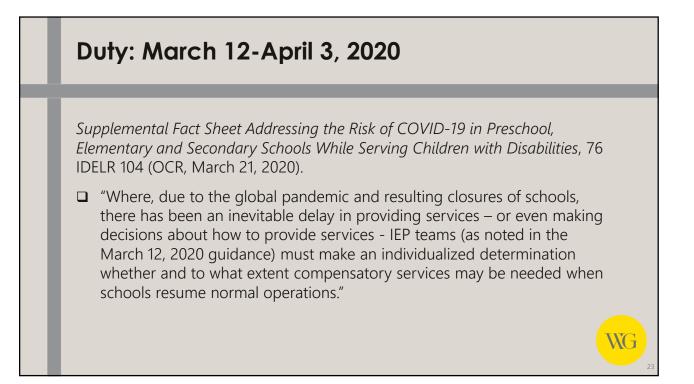


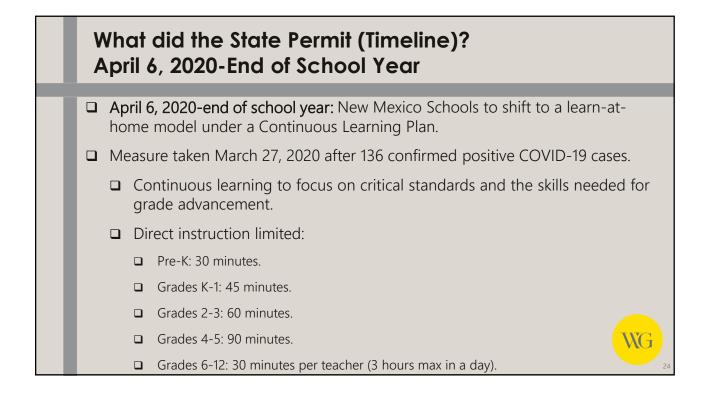


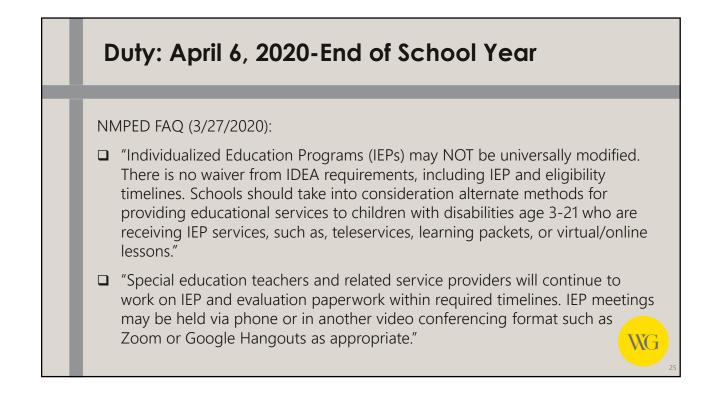


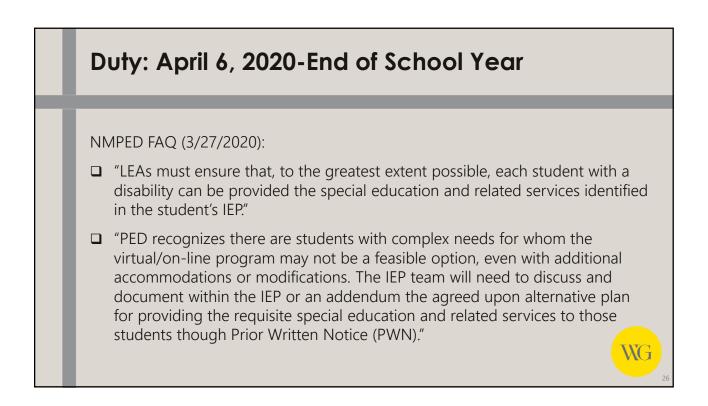


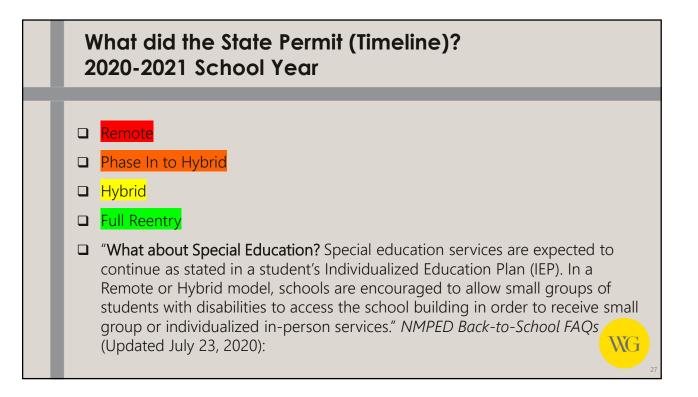


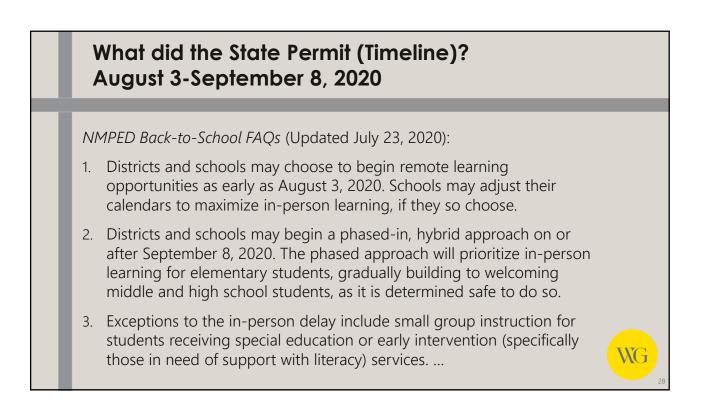








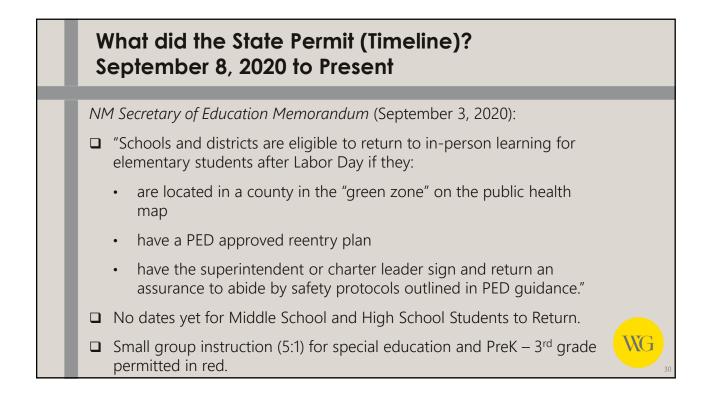


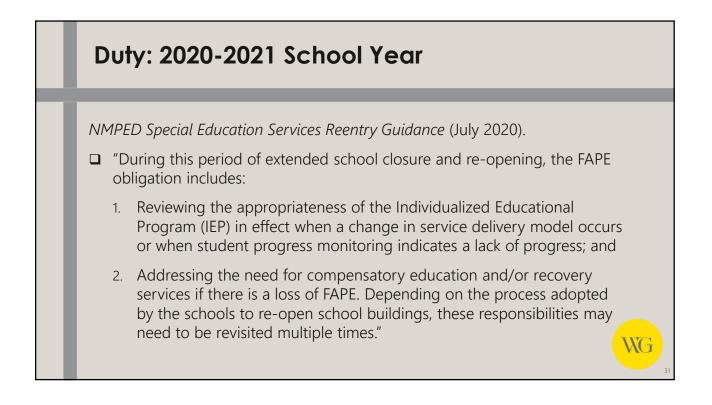


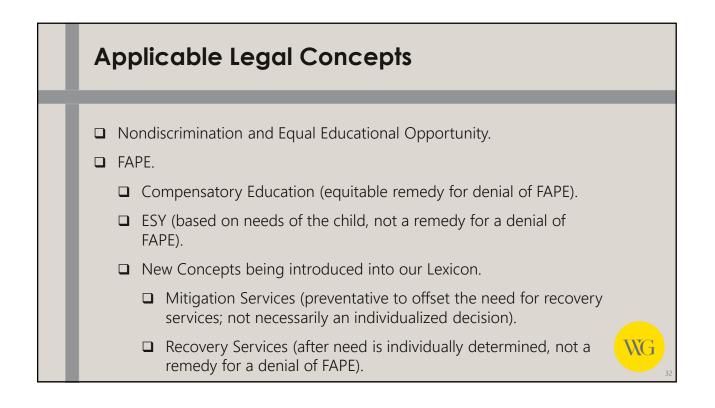
#### What did the State Permit (Timeline)? August 3-September 8, 2020

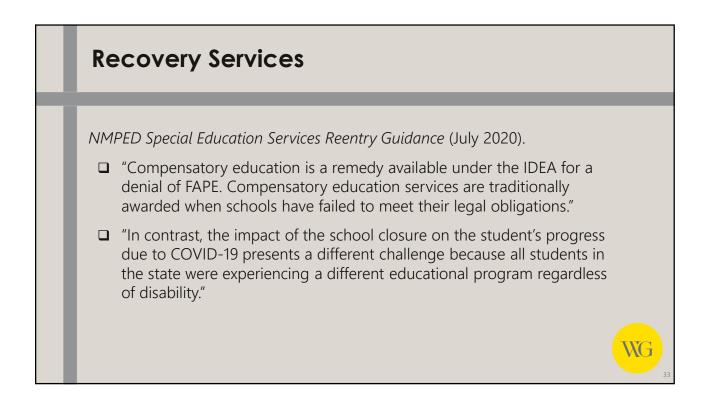
NMPED Back-to-School FAQs (Updated July 23, 2020):

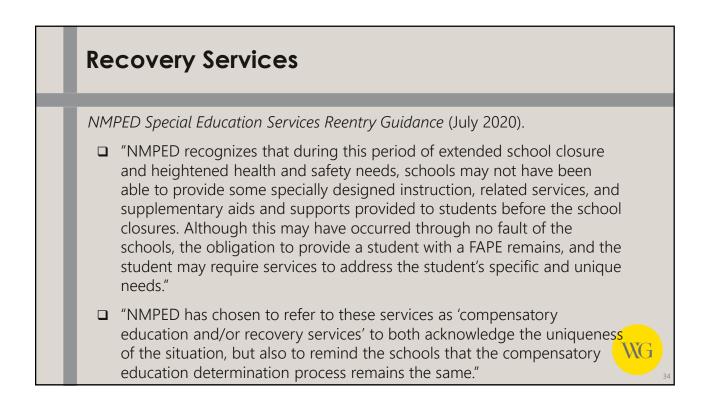
- 4. Schools must still follow the requirements for reentry. The reentry guidance document published by PED is intended to serve as a framework for our districts and schools as they craft plans for school reentry that meet the unique needs and experiences of their communities, while keeping children, families, educators, and communities safe and healthy.
- 5. The PED will establish virtual professional development for districts and charter schools. The offerings will come at no cost to schools and will include targeted support, resources, and guidance for educators and families as we prepare for the remote and hybrid learning models.

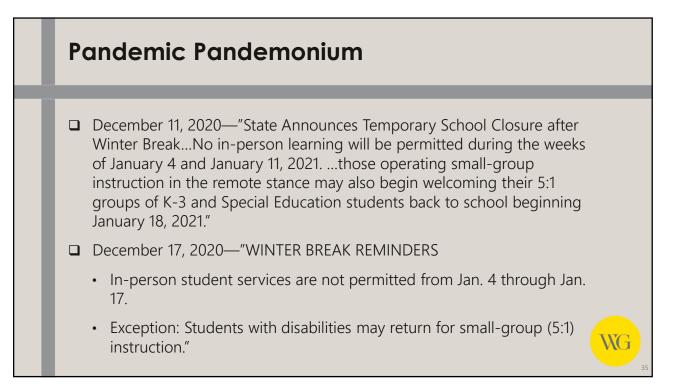






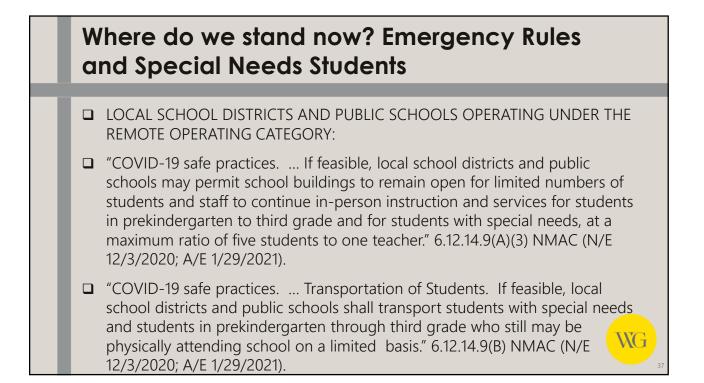






## Where do we stand now? Emergency Rules and Special Needs Students

"Remote operating category" means "the instructional model that requires all students to engage in online learning, with limited possible exceptions for small groups of students with disabilities and students in grades pre-kindergarten through grade three to engage in in-person learning, such as students receiving special education services. The student to teacher ratio in small groups shall be provided in department guidance. Schools should take all practical measures to provide each student with a digital device and to provide support for in-home connectivity." 6.12.14.7(H) NMAC (N/E 12/3/2020; A/E 1/29/2021).



#### Prioritization of Students with Disabilities for In-Person Learning

"As schools expand eligibility for in-person learning, PED encourages all schools to prioritize students with disabilities for in-person instruction. To the extent possible, PED encourages schools to make in-person learning services available to students with disabilities each day that the school building is open. The Department will consider requests from schools and districts for increased flexibility within the in-person learning limits that would enable the school or district to make in-person learning services available to students with disabilities on a greater percentage of school days. Information on the waiver process will come in a separate communication in the near future."

