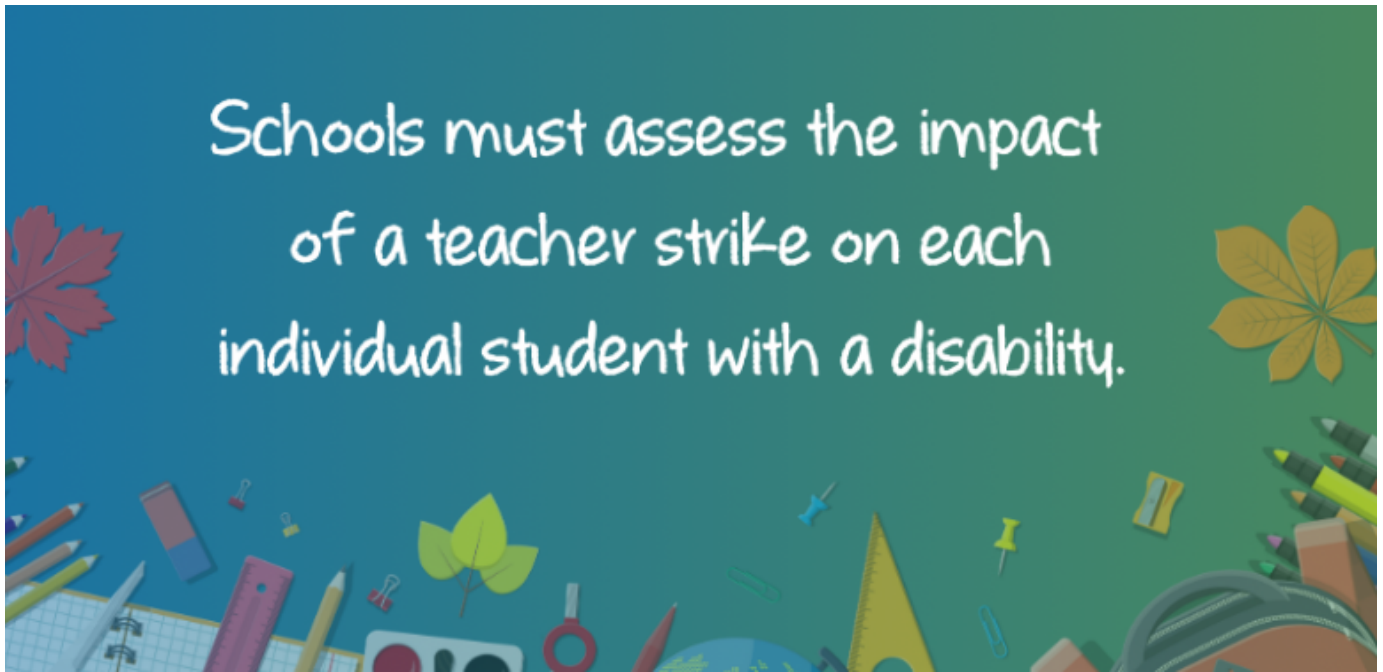


What Happens with a Child's IEP Services During and After a Teacher Strike



by Clinton Householder, staff attorney

Students with disabilities – from autism to developmental delays – often receive specialized services at school that are outlined in a written legal document called an individualized education plan (IEP). An IEP discusses the child's disability, strengths, weaknesses, learning goals, support services, and therapies. The IEP is written by the school to meet a student's needs, not the needs of the teacher, program, or school.

But, what happens to the services and the IEP when teachers, aides, and other school staff are on strike?

This question is one that parents and educators are trying to tackle in Youngstown, Ohio, today.

If you have not seen the [headlines](#), staff at Youngstown City School District are on strike to start the 2023-2024 school year. After delaying the first days of school initially, the district has opted for remote learning for its nearly 5,000 students during the strike. The district has [communicated](#) to the public and news media that parents of students with special needs should contact the school's special education department with questions and concerns.

As parents engage with school staff to address their questions and concerns, we write this Big Ideas blog to spread awareness of what the law says about special education services during and after a teacher strike.

Federal law, state law, and their implementing regulations for special education, do not specifically address a situation in which schools are closed or otherwise affected by a teachers' strike. Rather, special education issues caused by strikes are addressed in court cases and guidance developed by state and federal Departments of Education. The court cases and agencies' materials make it clear that public schools must address the impact of any disruption in a child's receipt of IEP services when there is a strike. Schools have this obligation because of disruptions caused by a strike just as they do when the disruption is caused by a dramatic snowstorm or a global pandemic.

Schools must assess the impact on each individual child with a disability. If the disruption causes the child with a disability to regress, lose skills, or go without the IEP services they were entitled to while other students could fully access their learning, the IEP team should offer the student with disabilities additional services. These "make up" services are legally called "compensatory services" and are designed to place the student in the position they would have been in had the

district provided the appropriate services all along.

To that end, not all “compensatory services” look or operate the same. In some cases, the compensatory services may include one-on-one home instruction outside of the normal school days or hours, for others it could be reimbursement by the district for private services, and for others it could be additional services built into the student’s day-to-day programming at school. The decision is unique to each child.

The decision-making process about compensatory services is critically important for students with disabilities and is what up to [16%](#) of students in Youngstown who receive special education services should expect in the coming days / weeks / months as the strike goes on, especially if IEP services are not provided by the district or delayed during the strike. As a result of the pandemic, we know all-too-well how devastating it is for students with disabilities to forgo or experience disruptions with their IEP services. The [media](#) and [government sources](#) have published story after story on how much students with disabilities struggled during the pandemic, especially with remote learning.

If you are a parent who is concerned about your child’s IEP services during the strike, especially if your child is unable to access remote learning, you should contact your child’s school right away. Parents have the right to convene their child’s IEP team at any time to discuss concerns. You may do so by contacting the school’s principal or the office of student services’ special education department. You should also know that a school refuses to offer compensatory education services to a child with a disability and the parent believes that his or her child is entitled to those services, parents may pursue [dispute resolution options](#) available to them through the Ohio Department of Education ranging from mediation, to a State Complaint, to due process.

Parents who are struggling to get students with special needs the help they need to succeed in school can always [reach out to us to see if we can help.](#)

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Table of Contents

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