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# Urging States to Continue Educating Students with Disabilities, Secretary DeVos Publishes New Resource on Accessibility and Distance Learning Options

## New Fact Sheet Provides Additional Information on How Distance Learning Can be Used to Meet Students' Needs During COVID-19 National Emergency

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WASHINGTON — U.S. Secretary of Education Betsy DeVos announced today the Department has released [new information](https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf) (<https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf>) clarifying that federal law should not be used to prevent schools from offering distance learning opportunities to all students, including students with disabilities. This new resource from the Office for Civil Rights (OCR) and the Office of Special Education and Rehabilitative Services (OSERS) explains that as a school district takes necessary steps to address the health, safety, and well-being of all its students and staff, educators can use distance learning opportunities to serve all students.

"It was extremely disappointing to hear that some school districts were using information from the Department of Education as an excuse not to educate kids," said Secretary DeVos. "This is a time for creativity and an opportunity to pursue as much flexibility as possible so that learning continues. It is a time for all of us to pull together to do what's right for our nation's students."

"Nothing issued by this Department should in any way prevent any school from offering educational programs through distance instruction," she continued. "We need schools to educate all students out of principle, rather than educate no students out of fear. These are challenging times, but we expect schools to rise to the occasion, and the Department stands ready to assist you in your efforts."

As the [fact sheet](#)

(<https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf>) states, schools "... should not opt to close or decline to provide distance instruction, at the expense of students, to address matters pertaining to services for students with disabilities. Rather, school systems must make local decisions that take into consideration the health, safety, and well-being of all their students and staff. To be clear: ensuring compliance with the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and Title II of the Americans with Disabilities Act should not prevent any school from offering educational programs through distance instruction."

To help schools provide distance learning in compliance with federal law, this fact sheet explains:

- The Department recognizes that exceptional circumstances may affect how special education and related services and supports are provided to students with disabilities, and the Department will offer flexibility.
- School districts must provide a free and appropriate public education (FAPE) to students with disabilities, and the provision of FAPE may include, as appropriate, special education and related services that can be provided via computer, internet, or phone.
- Although online learning must be accessible to students with disabilities, federal law does not mandate the specific methodologies by which distance education must be provided.
- In instances where technology is not accessible or where educational materials are not available in an accessible format, educators may still meet their legal obligations by providing equally effective alternate access to the curriculum or services provided to other students.

The Department will continue to work with state and local leaders to identify any additional areas where it can provide resources to support educators in their important work, and both OCR and OSERS are available to provide technical assistance during these uncertain times. The Department continues to update [www.ed.gov/coronavirus/](https://www.ed.gov/coronavirus/) (<https://www.ed.gov/coronavirus/>) with information for students, parents, educators, and local leaders about how to prevent the spread of COVID-19.

For more information about COVID-19, please visit the following website: [www.coronavirus.gov/](https://www.coronavirus.gov/) (<https://www.coronavirus.gov/>)

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