



March 30, 2020

How Does the COVID-19 pandemic legislation Affect Special Education and Related Services?

The **Coronavirus Aid, Relief, and Economic Security Act (CARES) Act**, [P. L 116-136](#) was enacted on March 27, 2020. This \$2 trillion economic stimulus bill included numerous provisions, including a few related to education funding and waivers.

Does the Law Provide Additional Funding for the IDEA?

Maybe. It includes a flexible pot of money that can be used for several purposes, including the IDEA, remote education, mental health support, and other things. The package provides \$13.5 billion for K-12 education through a stabilization fund to be spent over the next 18 months. The funds will be awarded to states based on their current [Title I](#) allocations and states must award at least 90% of their funds to school districts. It also gives governors \$3 billion to use at their discretion to assist K-12 and higher education as they deal with the effects of the pandemic. Advocates will need to ensure that their states, districts, and governors allocate as much funding as possible to services for students with disabilities.

Does the Law Waive Any Part of the IDEA?

No. But it does require the Secretary of Education to submit a report to Congress in 30 days (April 26) on recommendations on any additional waivers under the IDEA (as well as the Rehab Act, the Elementary and Secondary Education Act, and the Carl D. Perkins Career and Technical Education Act) which she believes are necessary to provide limited flexibility to States and local educational agencies to meet the needs of students during the emergency.

Will the Secretary's Recommendations be Implemented?

If Congress passes a bill giving her authority to waive any part of IDEA or the other laws, yes. Congress could also make changes to the Secretary's recommendations and pass them in a bill.

What is The Arc's position on Waivers to the IDEA and the Rehab Act?

We believe that the laws provide sufficient flexibility to address the crisis and do not need to be waived in whole or part. For instance, the IDEA allows for the extension of deadlines for evaluations, IEP development, and IEP meetings, which some states are noting in their policy guidance (for reference, see Tennessee's guidance [here](#)). What is needed is for schools and districts to work with families and make every reasonable effort under the circumstances to provide students with disabilities the education and related services that the law requires.

What Obligations Do Schools Districts Have to Serve Student with Disabilities Right Now?

See guidance from the Department of Education [here](#). Also be sure to check the website of your state Department of Education and Special Education Directors.

Questions? Contact Annie Acosta at acosta@thearc.org