

Students today face a variety of challenges in acquiring a sound, basic education from physical bullying, to unequal and inadequate school funding, to pressures from social media, and now remote learning due to the pandemic. While students as a whole may face difficulties in schooling, those with disabilities have even more [significant challenges](#). Reports from parents and educators indicate that their students with disabilities have experienced significant difficulties in learning, along with behavioral issues, and increased feelings of isolation as instruction moved to remote status. According to the [National Center for Learning Disabilities](#), dyslexia, the most common learning disability, increases the risk of anxiety, depression, low self-esteem, and peer rejection without the added isolation of remote learning.

There are over 203,000 children in North Carolina identified as children with disabilities. COVID-19 and the resulting move to virtual learning has had significant and negative impacts on these students. Some children with disabilities simply cannot learn in an online environment. Many have lost access to helping professionals, therapists and assistive technology when their schools went from in-person instruction to remote instruction. Others have had medical complications resulting in hospitalizations.

Students with disabilities often need extra attention from educators. Inadequate funding levels in North Carolina result in fewer numbers of helping professionals like psychologists, nurses and social workers that often provide vital support for students with disabilities. Missed instructional time can significantly impact educational outcomes as well. Students with disabilities and students of color are disproportionately disciplined according to [Civil Rights data](#). This also results in lost classroom time as well as less access to behavioral and medical supports. Students with disabilities may already miss a significant amount of school for a number of reasons, such as medical issues and therapy. Suspensions and court involvement add to lost class time and can result in reduced achievement and reduced access to educational opportunities.

In North Carolina, students with disabilities have recently seen struggles in proficiency scores in reading and math. According to recent data, [only 20% of students](#) with disabilities in North Carolina were grade level proficient in reading, and just 21% of students with disabilities were grade level in math. Today, almost 14% of students in North Carolina qualify for [special education services](#).

Funding for special education comes from both Federal and State budgets. Federal special education funding comes primarily from [two sources](#): the **Every Student Succeeds Act (ESSA)** and the **Individuals with Disabilities Act (IDEA)**. **ESSA funding** supplements state and local resources and supports students from low-income families and low-achieving schools providing categorical funding to support student achievement. States receive their federal share through the “Children with Disabilities” allotment. While the Federal funding is intended to cover the excess costs of meeting the individual educational needs of students with disabilities, it fails to do so. Currently, the state funding comes with a cap, set at 12.75%, established in 1993 based on estimated numbers of students with special needs as compared to the general student population. In many districts, the actual number of children with disabilities is much greater than the cap allows. As a result, local school districts are forced to find the extra monies needed to provide special education services from other budget lines to help [fill the funding gap](#). The gap in some districts is sustainable based on the number of identified students.

ESSA

ESSA was signed into law in December 2015 and replaced the No Child Left Behind (NCLB) policy as the country’s general education law. ESSA has a significant impact on all public school students, including students with disabilities, and went into effect during the 2017-2018 school year. ESSA transitioned power away from the federal government to the state level. Under ESSA, states decide upon education plans for their schools while working within frameworks provided by the federal government. States must then receive approval for their proposed education plans. ESSA ushered in several other significant changes as well: it encourages states to expand personalized learning, gives parents more influence over their children’s’ educational plans, and upholds protections for disadvantaged and high-need students.

ESSA supports students with disabilities in a number of ways. To start, ESSA requires states to develop accountability plans for low-performing districts and schools or students, including students with disabilities. ESSA also addresses the special education teacher shortage by eradicating the requirement that all special education teachers be certified in an additional content area beyond special education. ESSA places an emphasis on using preventative frameworks including MTSS and PBIS to help match instruction to student needs and to build positive environments to foster learning. ESSA continues the requirement of disaggregating data about student progress, ensuring all students get necessary support. ESSA also details the use of Specialized Instructional Support Personnel in more specific ways to aid students with cognitive disabilities as well as implement early intervention programs.

IDEA

IDEA is the primary federal **funding** source for students with disabilities and **special education**. Getting quality education for students with disabilities has been an issue across the country for decades, and North Carolina has been no exception. Prior to the 1970s, parents were not able to enroll their child in public school if their child was determined to be “uneducable.” The 1970s, however, saw landmark law cases that challenged this unequal education system. In 1975, Congress passed the **Individuals with Disabilities Education ACT (IDEA)**, giving children with disabilities the right to [“free, appropriate” public education \(FAPE\)](#). More specifically IDEA allowed students with disabilities to attend [“regular neighborhood schools, in regular classrooms, to the extent possible.”](#)

IDEA also determined that each child with a disability would receive an individualized support program to help them succeed in public school, and states were provided with federal funding to see this through. Parents were also given more say over their child’s education and had more of an ability to speak with educators. Today, there are approximately 204,000 students in North Carolina [covered under IDEA](#).

While the concept behind IDEA may seem relatively straight forward, navigating the special education system can be complex. Even defining who qualifies under special education may not be obvious. Jane Wettach, writing out of the Children’s Law Clinic at Duke Law School, created a valuable resource entitled [“A Parent’s Guide to Special Education in North Carolina”](#) to help answer some of these questions. In this guide, Wettach defines special education as “an approach to teaching children with disabilities that takes into account the barriers those children have to learning in a more typical way.”

Examples of a special educational curriculum may include changes in how material is taught, what materials are used, and having specialized lesson plans. Each child is given what is known as an **Individualized Education Program or IEP**, a document that outlines the individualized educational plan for a student. Each child is also given an [IEP team](#) that meets with the child’s parents to best discuss how to help the child succeed.

COVID-19 Heightens Learning Difficulties for Special Needs Students

[Approximately half of North Carolina’s school districts](#), composing two-thirds of the student body, started the 2020-21 school year entirely virtually, and many other districts started in a hybrid learning setting. While schools are continuing to offer in-person instruction, many students are still required to stay at least partially [home](#). Virtual learning has proven to be difficult for many students and educators, but some special needs students have had an especially difficult time adjusting to the change. Sherry H. Thomas, director of the Department of Public Instruction’s Exceptional Children Division, [explains](#), “This is a different problem for us to solve. These are our students who are already not used to a teacher standing up and lecturing to them in the course of 90 minutes. These are kids that have more direct, one-on-one and small-group instruction. And so that is more difficult trying to figure that out in a virtual environment.”

Unfortunately, some parents feel like their students are being forgotten. Brooke Rose, a sixth grade science teacher and parent of a son with autism, [explains](#), “We feel like special ed kids are being unfairly left out or forgotten. A typical developing student may have trouble with the virtual platform, but it’s even more challenging for special ed kids.” While this has been a difficult time for some special needs students, additional support can help to alleviate these unideal circumstances. These avenues of support may come in the way of extra written materials, additional video conferencing, or support via telephone. But if remote learning isn’t working for these students, [then other alternatives must be found](#).

Though COVID-19 certainly has presented the country with an unprecedented event, educators are still legally responsible for ensuring that all students with disabilities are making progress in school. NC Senator Joyce Krawiec explains, “It is unconscionable that school districts aren’t providing students with special needs the support they’re promised. We’ve all had to make sacrifices because of this pandemic, but we should not be sacrificing children’s futures.”

Working Towards a Better System

The NCDPI [Exceptional Children Division](#) is leading the charge to support special education during these particularly difficult times. The Exceptional Children Division seeks to “ensure that students with disabilities develop intellectually, physically, emotionally, and vocationally through the provision of an appropriate individualized education program in the least restrictive environment.” For instance, in response to the COVID-19 Pandemic, DPI created a [website](#) containing supplemental, optional remote learning resources for students with disabilities. The website aims to assist Local Education Agencies (LEAs) “in the delivery of special education and supplementary aids and services in virtual and/or home setting” as well as emphasize the role of IEP teams, but [does not attempt](#) to set a FAPE (free, appropriate education) standard.

NC legislators passed the [Coronavirus Relief Act 3.0](#), law in September, 2020, which included funding for special education. The \$1.1 billion relief package provided \$115.9M to education funding as a whole, with \$6.5 million to reduce the waitlists for the NC Children with Disabilities Grant Program and the NC Education Savings Account Program. [The Special Education Scholarship Grants for Children with Disabilities Program](#) helps parents pay qualified expenses for their child with a disability who attends an eligible nonpublic school. [The Personal Education Savings Account Program](#) provides families of a child with a disability (as defined under IDEA) a debit card with a maximum annual allocation of \$9,000 for educational and therapeutic purposes. The Coronavirus Relief Act 3.0 also allocated an additional [\\$17 million in grants](#) towards exceptional children’s services.

Leandro and Improving Special Education in NC

The [Leandro](#) Case has also had a significant impact on special education. [Every Child NC](#), a statewide coalition of organizations, parents, teachers, and students, including Public Schools First NC who advocate for each child’s right to a sound basic education, explains that [Leandro](#) “established that the North Carolina constitution guarantees all North Carolina students the opportunity for a sound, basic education. This includes students with disabilities.” Part of the court’s response to Leandro included releasing the WestEd Report, which gives an overview of the current state of education in North Carolina and recommendations for improvement.

[These recommendations](#) aim to help all students, including those with disabilities. The WestEd Report highlights the difference in learning outcomes among students with disabilities as compared to all students, making it clear that special needs students need additional support.

[Disability Rights NC](#) offers several ways to meet special education needs in North Carolina. Some recommendations come from the West Ed Report.

- The first recommendation is to [eliminate North Carolina’s “cap”](#) of special education funding a school district can receive. This funding cap currently limits school districts to receive special education funds for 12.75% of their total student body, regardless of how many special needs students are at the

school. A recent analysis found that over half of the school districts in North Carolina have over 12.75% of their student body composed of students with disabilities that need IEPs. Thus, there is often a discrepancy between the cap allocated and the proper amount of funding needed.

- Another recommendation, addressed in the [West Ed Report](#), is to put funding toward increasing the number of support personnel in schools such as nurses and social workers.
- A third recommendation addressed in the [West Ed Report](#) is to direct additional resources and initiatives to economically disadvantaged students, who face challenges that wealthier students do not. Moreover, many disabled students are economically disadvantaged as well. According to the WestEd report, “64% of students with IEPs are also economically disadvantaged and 25% of students with disabilities attend high-poverty schools.”
- The fourth recommendation addressed in the [West Ed Report](#), is to have high-quality special education teachers in schools as well as regular teachers and principals that are qualified to teach and mentor special needs students.
- Lastly, the WestEd report recommends that all at-risk 4-year-olds should be able to go to full-day early education programs like NC Pre-K or Smart Start. According to the WestEd report, both of these programs have been found to significantly reduce the likelihood of special education placement in third grade.

As these most vulnerable students return to school buildings, they will require additional support to help make up for lost instructional time and to reset their emotional and social functioning. We must continue to advocate for a sound, basic education for *all* children.

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