

## Back to School 2020

It has been one heck of a year. As if COVID-19 wasn't enough, Iowa got hit by what was essentially a hurricane on land (official word for it is "derecho"). Parts of Iowa are still without power and Internet, making working at home and social isolation even more difficult. Soon kids will be heading back to classrooms, which we hope will have power and Internet, as well as hand sanitizer and masks. It may have you asking "What's Next?"

In this issue we have some tips for parents whose children have individualized education plans (IEPs), opportunities to get involved in your community and advocacy, showing the power of sharing your story, and of course, some additional information about the elections.



Did you know that your legislators can ask for bills to be drafted now? In fact, the fall is a great time to have your state representative and state senator ask

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their staff to get started on a bill for the 2021 session. We do not know what the 2021 legislative session will look like or if it will start on time (scheduled to begin Monday, January 11, 2021). Getting a head start on a bill is a really good idea this year. You can contact us if you have an idea and don't know where to start! If you think your story can't make a difference, read more about Tyler Leech and what he got done this year with his Senator Tony Bisignano.

## Back to School: Five Things Parents Should Know

*By Daniel Van Sant, Staff Attorney for Disability Rights Iowa*

As the staff attorney at Disability Rights Iowa who handles most of our special education cases across the state, I have spent the pandemic fielding questions about how COVID-19 affects special education laws. And the short answer to this question is; it doesn't. Federal special education laws remain unchanged. The logistics around providing these services might look different than they have in school years past, but these considerations are already baked into the Individuals with Disabilities Education Act (IDEA). Individual Education Program (IEP) teams are already required to consider an individual student's unique needs and circumstances and design an education plan around addressing those needs.



That doesn't mean, however, that the realities of providing those services haven't changed. Every educator and every parent will tell you that the health and safety of students in Iowa is the top priority. IEP teams (which include students with disabilities and their families) must then balance the health and safety of students with the desire to provide high quality education. If a public health emergency changes the way we provide those services, we still need to make sure that each student's case is considered on an individual basis.

For example, if your child has a one-to-one paraprofessional or associate with them during a traditional school year, can a para be provided in person in your home? Under special education laws, yes, a paraprofessional CAN provide services in a student's home. But if that in-person contact may not be safe for your student or for the paraprofessional, then it may not be appropriate to provide right now. If that's the case, I encourage IEP teams to think creatively about how else we might be able to provide this service. If a para is not available all day, are they available a couple hours a week? Is there safe outdoor space at your home or in the community? Is there information that would suggest a one-on-one para would be successful over a webcam? Is there a day of the week that no students are in the building? Could your student come to school on that day for in-person services? Are there any services that could be provided outside at school (weather permitting)? IEP teams are still required to consider all of these kinds of alternatives when deciding what is and is not appropriate for a particular student. And, of course, you will want to talk with your child's doctor and other medical professionals before making these choices.

**So, what should you do to be ready for your up-coming IEP meeting?** Here are my tips for students and parents this fall:

- 1. Be on the lookout for "all" or "none" statements.** If "all of the special education students in our district are \_\_\_\_\_." or "we aren't providing \_\_\_\_\_ to any special education students this fall." comes up in your meeting, that's a sign that the decision is not being made on an individual basis.
- 2. Make it clear in your IEP that changes made for this fall are due only to the COVID-19 pandemic and not because your (or your child's) education needs have changed.** IEP teams in Iowa should be documenting these pandemic changes on the "i" page of your IEP. But if you make changes elsewhere in the IEP that are caused by COVID-19, make sure you say that clearly in the text of the IEP. Also, consider only ADDING to the IEP and not deleting anything your team has tried during the pandemic. Add a new "i" page instead of replacing the old one. Make a note that you tried a particular service "from (date) to (date)" and describe the

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new service and date below that. I call this making the IEP “third person proof”. Someone who has never met you (or your child) should be able to pick up the IEP and clearly understand everything you have done during the pandemic.

3. **You have the right to receive a free and appropriate public education (FAPE) even during a pandemic.** However, if, because of the pandemic, an “appropriate” education does not provide everything that you (or your child) needs, please know that “COVID-19 Recovery Services” will be available. Recovery services are **in addition to** the services you receive through your IEP. These services are meant to address any learning that was lost due to COVID-19 and any effects that loss caused—like regression in skills. If you believe that, despite having an appropriate IEP, you will regress in skills or not learn as much as you would normally, I recommend getting baseline data at the start of the school year so that you will have a point of comparison. Get an updated evaluation when we return to a typical school year, and use that data as a team to talk about what recovery services you need. Recovery services can be provided right now but they are also available to you up to a year **after** the COVID-19 Pandemic ends. You and your IEP team will need to decide what recovery services, if any, are appropriate for you.
4. **The Iowa Department of Education is constantly publishing new information for students and families.** You will want to check the Department’s COVID-19 resources page ([educateiowa.gov/article/2020/08/14/covid-19-guidance-and-information#SpecialEducation](https://educateiowa.gov/article/2020/08/14/covid-19-guidance-and-information#SpecialEducation)), as well as, the Return to Learn Google site ([sites.google.com/iowa.gov/returntolearn/special-education?authuser=0](https://sites.google.com/iowa.gov/returntolearn/special-education?authuser=0)), and the new Iowa IDEA Information website ([iowaideainformation.org/](https://iowaideainformation.org/)) before your IEP meeting to make sure you have the most current information.
5. **Every student with disabilities is different.** If you have questions or concerns about your (or your child’s) special education rights, please know that you can always contact Disability Rights Iowa. We represent Iowans with disabilities all across the state, and all of our services are free for Iowans with disabilities and their families. You can contact us at: [info@driowa.org](mailto:info@driowa.org), by phone at: (515) 278-2502. Follow us on Facebook: Disability Rights Iowa or Twitter: @D\_R\_Iowa for updates from our agency.

## Your Story Matters: Tyler Leech

Over the years we have heard many individuals with disabilities say they cannot make a difference. You may not believe us, but your story is more powerful than a dozen lobbyists hanging out daily in the halls of the State Capitol. Earlier this year, we featured articles on two advocates who worked with their legislators to end organ transplant donation discrimination (now law) and begin the process of putting adult changing tables in public bathrooms. We wanted to highlight a new advocacy story, one that shows what can happen with a good story.

Tyler Leech created the Barefoot Autism Challenge for Autism Awareness Month in April to encourage people to learn more about autism. "For me, advocating for someone with autism such as myself means showing someone we do have a shot at life and can do so many amazing things," said Tyler, who is a full-time employee of Wells Fargo. Tyler was driven to advocate at the State Capitol after a very real experience.

Tyler had been bowling at Des Moines' Val Air Lanes one night, just down the street from a loud rock concert. When he left the bowling alley, the police pulled him over, thinking he'd just left the concert. They asked him if he knew he had a tail light out on his car, and if he'd been drinking or smoking. The officer didn't believe Tyler, who doesn't drink or smoke. Before he knew it, he was handcuffed and being searched. The experience was very scary, and he didn't



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want to tell his parents about it when he got home. His mother realized how this experience could have gone very wrong if he would have run or resisted arrest. "My son could have gotten shot," she said.

Tyler decided to take action. He went to the State Capitol with a friend, and ran into Roxanne Cogil, the Executive Director of the Epilepsy Foundation of Iowa. Roxanne took Tyler to meet his Senator Tony Bisignano, who represents the southside of Des Moines. Sen. Bisignano listened as Tyler went through his story and his experience, explaining how things could have ended much differently. He asked Sen. Bisignano to pass a law that would allow individuals with autism to request a symbol be added to their driver's licenses so that police officers will understand they are talking to someone with a disability that may impact their reactions and communications.



Sen. Bisignano

Sen. Bisignano went immediately to Sen. Tim Kapucian, who chairs the Senate Transportation Committee, to see what could be done. Both agreed that it was something that should be addressed. Then COVID-19 hit and Senators were sent home. As he was clearing out his drawer before heading home, Sen. Bisignano saw the note that Tyler had sent into him. It hit Sen. Bisignano like a ton of bricks; he couldn't let this issue just get lost in a drawer. He called his friend Sen. Kapucian (who represents Benton, Poweshiek, and Iowa counties), and asked if there were some way to still address it.

Over the COVID-19 break, the Senators got to work searching for a bill that could be amended to add in Tyler's request. They found it - House File 2372 - a bill that had something to do with farmers not having to get chauffeurs licenses to drive special farming equipment. When they came back to the Capitol to end the session in June, Sen. Bisignano (a Democrat) and Sen. Kapucian (a Republican) worked together to draft an amendment and add it to the bill. It passed 49-0 in the Senate, and the House passed it 77-20 (the "no" votes had to do with the original bill, not Tyler's part).

The Governor signed the bill into law on June 25, and the Department of Transportation is working to make this happen. Sen. Bisignano is busy trying to get Tyler a souvenir for his work - a formal signed copy of the bill and the pen used to sign it into law. This is what can happen when you share your story with a legislator, and you have legislators who become your advocate at the Capitol.

What is YOUR story?

You can watch Tyler's #barefootautismchallenge at <https://bit.ly/2QbjmTp>.

## Get Involved: Join the DD Council

The Iowa Developmental Disabilities Council needs you!

- Are you 18 years or older and have a developmental disability?
- Are you are interested in making communities more inclusive and supportive for people with developmental disabilities and their families?
- Are you interested in making changes to Iowa's service delivery systems and affecting housing, employment, education, health care, child care, support services, transportation, and other issues?
- Do you value self-determination and self-advocacy?



Then you may want to apply for the Iowa Developmental Disabilities Council. You can apply online at Iowa Talent Bank. You may also contact the DD Council office at 800-452-1936 to get help filling out an application if you are without power or Internet.

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## Get Involved: Join the DD Council *(continued from page 4)*

All Council members are appointed by the Governor, who must balance appointments by political party, hometown, and gender.

**What is involved with membership?** The Council meets up to six times a year. Meetings are held generally on the second Thursday every other month at the DD Council Office in Des Moines. The meetings start at 10:30 and last until 2:30. You may be asked to participate on committees which would require additional time. You may also be asked to volunteer at Council sponsored activities, like the Make Your Mark conference. Council members are also encouraged to represent the Council and discuss the Council's mission, vision and projects within their own community network. The Council reimburses for transportation and other related expenses related to your work on the Council. Again, if you have questions, just call the DD Council office.

*Consider getting involved - it's a great way to make an impact!*

## More Opportunities to Get Involved

### Voter Education Grants

Iowans with Disabilities in Action is excited to offer grants to local advocacy groups that are led by people with disabilities who want to take action in their community to increase voter turnout among Iowans with disabilities. Activities of grantees must be non-partisan and encourage individuals with disabilities to vote in the 2020 general election on November 3, raise awareness and educate elected officials and/or candidates on disability topics. To apply or for more information go to [idaction.org/documents/cms/docs/Voter-Grant-Application\\_Deadline-Extended.pdf](https://idaction.org/documents/cms/docs/Voter-Grant-Application_Deadline-Extended.pdf).

### Voter Training

Iowans with disabilities have an opportunity to make an impact in elections, and Iowans with Disabilities in Action is committed to providing the education and resources needed to build confidence and encourage participation. Host a voter training in your community! Voter trainings will provide you with a better understanding of the election process and your voting rights. You'll also get hands-on experience using the new voting machines. Read our voter training guidelines for all of the details. If you are interested in setting up a voter training, please go to <https://idaction.org/training/>.

### MYM 2020 Virtual Conference

Register now for *Make Your Mark! 2020: Your Vision for the Future!* For this virtual conference, Iowans with Disabilities in Action will be holding one session a week over the lunch hour throughout the month of September and first part of October. These will be held via Zoom Webinar at 12 PM CST. We are excited to be able to offer FREE registration for individuals with disabilities, family members and direct care support professionals accompanying a participant! You can register now at: <https://cvent.me/2PZ8Gr>.

### Olmstead Task Force

Iowa's Olmstead Consumer Taskforce is accepting applications for new members for the Taskforce until **September 7, 2020 at 4:00 pm**. Applicants can apply via online survey at [bit.ly/3ggezKM](https://bit.ly/3ggezKM), or can download the attached Word or PDF documents and email them to [Anne-Crotty@uiowa.edu](mailto:Anne-Crotty@uiowa.edu).

The Olmstead Consumer Taskforce is a statewide advocacy group that monitors Iowa's response to the 1999 Supreme Court's Olmstead Decision and supports the full inclusion of people with disabilities in housing, employment, transportation, healthcare, and other areas. More information on the taskforce is available here: <http://olmsteadrealchoicesia.org/>

## COVID Funding Update

The State of Iowa received \$1.2 billion in April to help the state combat COVID-19. This was a part of the federal CARES Act (Coronavirus Aid, Relief, and Economic Security). So far, Governor Reynolds has spent \$788.6 million of those funds, which must be used by the end of the year or they will need to be given back to the Federal government. Earlier this month, the Governor announced she would reserve another \$125 million to reimburse cities and counties for costs related to COVID-19. That leaves a total of about \$237 million left.

- \$70 million to help small businesses deal with the disaster. \$840,000 for food assistance (Feeding Iowa Initiative).
- \$7 million to the Grow Iowa Values Fund for other business assistance.
- \$2 million for DHS food assistance (\$1 million each for Double Up Food Bucks & Supplemental Foods Program).
- \$1 million to food banks.
- \$80 million for mental health regions, substance use disorder programs, and habilitation.
- \$22 million to avoid evictions and foreclosures (rent/mortgage payment assistance).
- \$5.1 million for Last Dollar Scholar program (tuition assistance for college students).
- \$490 million to cover unemployment insurance benefits.
- \$17 million to the economic emergency fund to help pay for state COVID-19 related expenses.
- \$41 million for Test Iowa, technology upgrades, expanded digital access to state services, and other data projects.
- \$50 million for broadband grants (to help expand Internet access around the state).

MH/DS regions have already received their share of these funds (\$30 million); the use will depend on the needs of the region. Some regions are providing grants to providers, or helping cover the cost to provide expanded access to crisis services. Substance Use Disorder providers will receive \$20 million in funds to help cover additional COVID-19 related costs in their residential and outpatient services (but they must be Medicaid providers). The rest of those funds (\$30 million) is being distributed to Medicaid habilitation providers to help ensure access to these important services during the pandemic. You can read more about the use of the \$788 million in CARES funds at <https://bit.ly/3hbeQA9>.

Congress failed to pass another COVID-19 relief package before they recessed for the month of August. As you will recall, the Democratic-controlled US House passed a \$3 trillion package to help local governments, states, and citizens recover from the economic crisis caused by the virus (Heroes Act - "Health and Economic Recovery Omnibus Emergency Solutions" Act). The Republican-controlled US Senate countered with a \$1 trillion package that protects businesses from being sued for COVID-19 outbreaks and a smaller unemployment assistance benefit (HEALS Act - Healthcare, Economic Assistance, Liability, and Schools Act).

If you want to make sure that the next round of Congressional support to states helps individuals with disabilities, take action now by contacting your US Representative, US Senator, and the President. You can do this easily through our grassroots action center (we even started the email for you). Just go to <https://cqcengage.com/idaction/home?0> to get started.

## Voting by Mail

Iowa's Secretary of State has sent out absentee ballot requests to all Iowa registered voters. Now is the time to make sure your voter registration is current, your address is correct, and make that request to vote by mail. Ballots will not actually start arriving in Iowa voters' mailboxes until early October; early voting in Iowa starts 29 days before the election.



To make sure you are ready:

- Check if you are registered to vote at <https://bit.ly/3gl2q7n>. Is your address correct? Has your name changed?
- If you are not registered to vote, or need to change information go to <https://bit.ly/3aHtCfw>.
- Request to vote by mail. More information can be found at <https://bit.ly/2YIQzQy>.



Governor Reynolds recently signed an executive order restoring the right to vote for most Iowans who have completed their sentences for felony convictions. If you are one of these people, it is important to find out what you need to do next in order to vote. You can learn more by calling the Governor's office at 515.281.5211 or going online at <https://bit.ly/3gey2f1>.

If you enjoy elections, you can also ask to be a poll watcher in your county. Poll watchers are paid for their time, but it is a long day (polls are open 7 am to 9 pm). Learn more about becoming a poll watcher at <https://pollworker.iowa.gov>.

Because COVID-19 may mean fewer polling locations or longer lines, it's important to have a plan in place or consider voting by mail. As always, you can call Iowans with Disabilities in Action or your county auditor for help or information about voting.

## Conversation on Social Isolation

The Iowa DD Council is hosting "A Conversation on Social Isolation" webinar on **Wednesday, September 2, 2020, from 6:00-7:00 pm.**

This conversation on the risks of Social Isolation and how you or a loved one might be affected. During these times of uncertainty, isolation and loneliness can wreak havoc on an individual's physical, mental, and cognitive health. Family members of persons with disabilities are encouraged to join this open discussion led by Lisa Heddens, family member of an adult child with a disability and current Story County Supervisor of Story County, Iowa.

To register for this webinar, go to <https://bit.ly/31cPRqD>.

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c/o Iowans with Disabilities in Action

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IOWA'S DISABILITY POLICY RESOURCE