

Attorneys For Education Rights

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Governor Jay Inslee

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May 19, 2020

Dear Governor Inslee;

Our nonprofit organization, Attorneys for Education Rights, advocates on behalf of Washington students with disabilities and their families. We look to our state to fulfill the promise made by Congress: “improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.” We are attaching a letter we sent to Superintendent of Public Instruction Chris Reykdal requesting that OSPI immediately issue stronger directives to public schools to meet their ongoing obligations under the Individuals with Disabilities Education Act (IDEA).

We are very concerned that the Office of the Superintendent of Public Instruction (OSPI) is not enforcing directives you have issued regarding the rights of students to an education during this unprecedented time. When you closed all schools in our state due to the COVID-19 pandemic, you stated that our state still has an obligation to provide the children in our state opportunities to continue their learning during this pandemic. You directed OSPI to create guidelines on how this was to be accomplished. Unfortunately, two months after the closure, many children in our state have few if any special education services, and access to educational services varies greatly across the state depending upon which school district a family lives in. This creates inequities across the state that must be addressed.

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ATTORNEYS FOR EDUCATION RIGHTS

Special education students have been especially disadvantaged due to their disabilities and need for more specialized instruction delivered in ways that cannot be replicated using computer-based instruction. Our most vulnerable students depend on schools for essential intervention, support services and therapies in order to access education.

Our organization, in conjunction with parents and other disability-rights groups, has approached OSPI to clarify guidance to schools. It is greatly concerning that OSPI's guidance uses discretionary language such as "encourage", "recommend", and "guide," as if school districts can make decisions not to provide legally mandated services to students with disabilities without oversight. As outlined in the attached letter, OSPI has the authority to enforce state laws governing the provision of special education services to students with disabilities, and OSPI has abdicated this responsibility. Children with disabilities in our state need your help so that they do not become casualties of this time. We are asking you to step in and direct OSPI to provide direct oversight over the school districts to make sure students eligible under the IDEA are actually receiving services, individualized to meet their needs. Regardless of the local control of school districts, the right to a free appropriate public education is not optional and must be enforced by the state. In addition, we are asking you to direct OSPI to include disability-rights organizations and families as stakeholders in the development of school guidance so that their concerns can be heard and addressed.

On behalf of our group and the families we represent, we would like to thank you for your leadership in this time. We are convinced that with your leadership and intervention, solutions can be found so that all students, as well as students with disabilities who are the most vulnerable students in our state, are not disadvantaged in ways that are irreversible due to this pandemic.

Sincerely,

Board of Directors

A handwritten signature in black ink, appearing to read 'Charlotte D. Cassady', with a stylized flourish at the end.

Charlotte D. Cassady, Board President
Attorneys For Education Rights

Encl.

cc: Superintendent Chris Reykdal