

IDEA Talking Points

Following the discussion regarding the need for IDEA flexibility and liability protection, Noelle Ellerson-Ng has provided the talking points below. If you wish to write to your Congressional Representative, contact information for US Senators can be [found here](#), and contact information for the US House of Representatives can be [found here](#).

- IDEA litigation is a top concern as we re-open schools in our ESA. We already have a shortage of special education providers and trying to provide services to students with disabilities, some who have significant disabilities, is very challenging to do appropriately. *(feel free to elaborate with an example)*
- Our educators and therapists are being creative and doing what they can, but we are expecting an unprecedented level of special education litigation this year because we cannot meet every requirement in IDEA. There are over 700 mandates in IDEA for students with disabilities and the inability to meet just one of them puts our ESA at risk for litigation from parents. We must have some liability protection that ensures that if we cannot, due to no fault of our own, provide the same quality or quantity of services to students with disabilities during the pandemic, that we do not have to direct very scarce financial resources towards lawyers, witness preparation, and evidence and other litigation related activities that will draw staff away from working with students with disabilities.