

# IMPACT OF PUBLIC HEALTH POLICY ON SCHOOLS AND CHILDREN WITH DISABILITIES DURING THE PANDEMIC

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# Schools and children with disabilities

- Schools provides vital educational, therapeutic, and supportive services for all children, especially for children with disabilities
- 15% of public school students receive special education services
- Almost all schools shut down in-person learning in the spring of 2020, with variable re-entry to in-person attendance for 2020-21
- Schools generally open to in-person learning in 2021-22
  - Teacher and staff shortages during spikes in cases
  - Individual risk assessments by families
  - A lot of catch-up

<https://nces.ed.gov/programs/coe/indicator/cgg>

# American Academy of Pediatrics

- In-person learning should be prioritized
- Policies and procedures should specifically support CYSHCN and children with disabilities
  - Layered protection: PPE, mitigation, test/trace/isolate
  - Educational support including IEP requirements, compensatory services
  - Shared decision-making for in-person attendance and support needs

<https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/covid-19-planning-considerations-return-to-in-person-education-in-schools/>

<https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/caring-for-children-and-youth-with-special-health-care-needs-during-the-covid-19-pandemic/>

# Influence of public health policy

- Policy = “a law, regulation, procedure, administrative action, incentive, or voluntary practice of governments and other institutions”
  - Public health policy = advancement and implementation of public health law, regulations, or voluntary practices
  - Influence systems, organizations, and individual behaviors to promote improvements in health
- Covid public health policies are influenced by community transmission, individual risks (including vaccine status), and hospital capacity, based on what we know at the time

<https://www.cdc.gov/policy/analysis/process/definition.html>

# Federal, state, and local policies

- Federal
  - Emergency declarations impacting payments, telehealth, medical countermeasures
  - Advisory school guidance by CDC
- States
  - All 50 states issued states of emergency providing for emergency powers, including closures, mandates, restrictions (21 still active as of 6/6/22)
  - Guidance for school operations were issued
- Local
  - Additional states of emergency and operational guidance
  - May or may not be consistent with state and federal guidance

<https://www.kff.org/coronavirus-covid-19/issue-brief/what-happens-when-covid-19-emergency-declarations-end-implications-for-coverage-costs-and-access/>  
[https://ballotpedia.org/State\\_emergency\\_health\\_orders\\_during\\_the\\_coronavirus\\_\(COVID-19\)\\_pandemic,\\_2021-2022](https://ballotpedia.org/State_emergency_health_orders_during_the_coronavirus_(COVID-19)_pandemic,_2021-2022)



# Impact on schools

- Policies directed closure, opening, and operations
  - Layered protection and resources including masks, PPE, ventilation
  - Operational guidance including when to open/close, test to stay, test access
  - Accommodations for children with disabilities
- Policies influenced behavior of individuals and families
  - Presence and strength of safety protocols (e.g. masks)
  - Community transmission levels (e.g. larger spikes and lower vaccination rates) also influence behavior
- Considerable variation in opening and operations around the country

# State and educational law

- State and local educational agencies (SEAs and LEAs) are bound by federal laws
  - Title II of the Americans with Disabilities Act of 1990 (ADA)
  - Section 504 of the Rehabilitation Act of 1973 (Section 504)
  - Individuals with Disabilities Education Act (IDEA)
- Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act protect the rights of individuals with disabilities to have equal access to public facilities and institutions
- Students with disabilities have the right to access schools without taking on a far greater risk to their health than other students face

<https://www2.ed.gov/documents/coronavirus/letter-to-educators-and-parents-regarding-new-cdc-recommendations-03-24-2022.pdf>

<https://www.ed.gov/coronavirus/factsheets/disability-rights>

# Considerations for children with disabilities

- Higher risk for hospitalization and death
- Enhanced importance of in-person services
- Federal guidance hinting (suggesting?) isolation as option
  - Summer 2020: “Offer options for students at higher risk of severe illness that limit their exposure risk (e.g., virtual learning opportunities).”
  - Spring 2022: “we urge schools to lead with equity and inclusion to ensure all students have access to in-person learning alongside their peers”
- “We feel like he’s lost two years of education. Like we’re just trying to survive”

<https://stacks.cdc.gov/view/cdc/92308>

<https://www2.ed.gov/documents/coronavirus/letter-to-educators-and-parents-regarding-new-cdc-recommendations-03-24-2022.pdf>

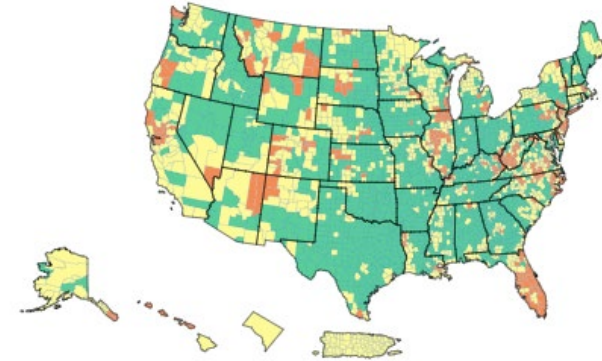
<https://19thnews.org/2022/02/covid-school-closures-remote-learning-complicated-students-disabilities/>



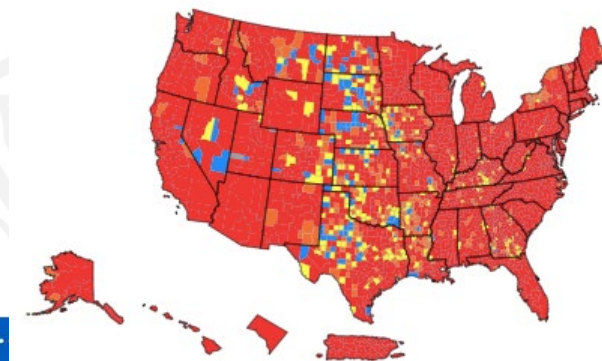
# What did we learn?

- Public spaces often reopened before schools did
- Safety assessment: community level vs transmission
  - Transmission = risk of getting sick
  - Impacts teachers, staff, and students
- What mandates and authority are needed to enforce accommodations for CWD?
  - “School districts, schools, early childhood centers and homes, and classrooms may still choose to implement masking requirements at any COVID-19 Community Level” = Secretary of Education 3/24/22
  - Ending of states of emergency and mask mandates limit ability of schools to enforce masking requirements

Community level 6/9/22

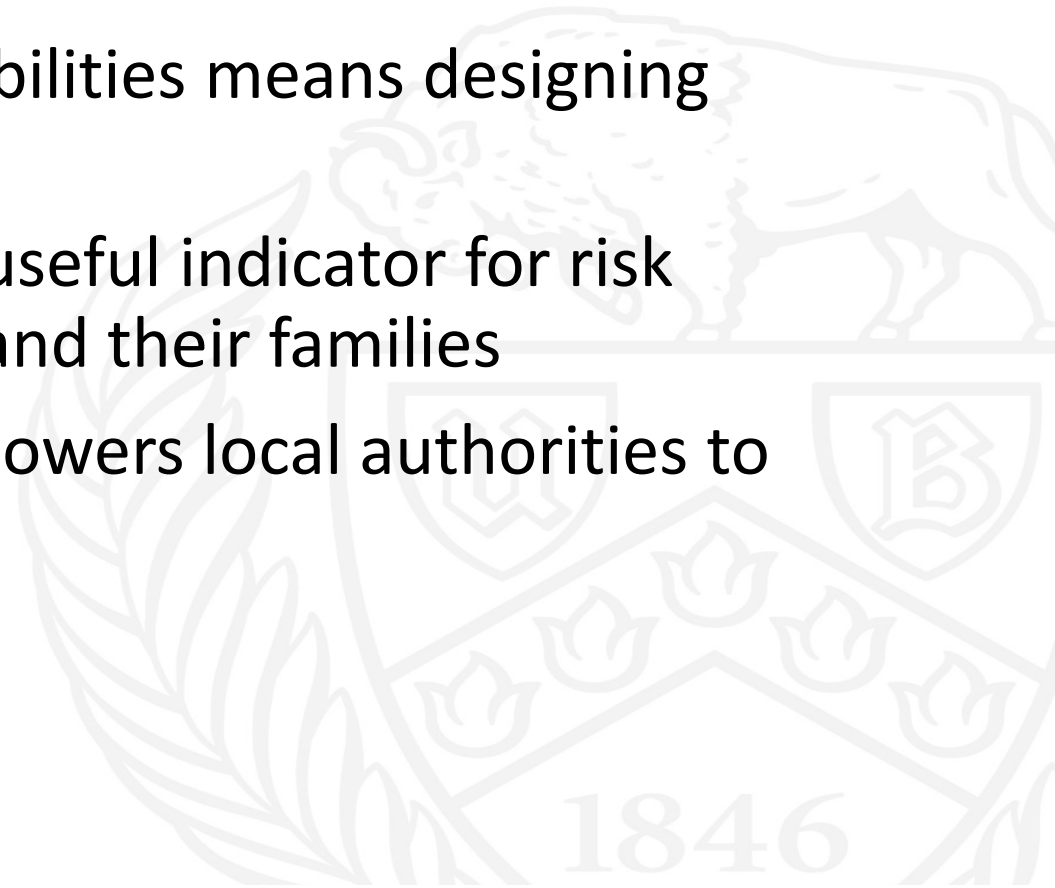


Community transmission 6/9/22



# Recommendations

- Leading with equity for children with disabilities means designing inclusion from the very beginning
- Community transmission may be a more useful indicator for risk assessments by children with disabilities and their families
- Alignment of state and federal policy empowers local authorities to accommodate CWD in schools



# Thank you!

