



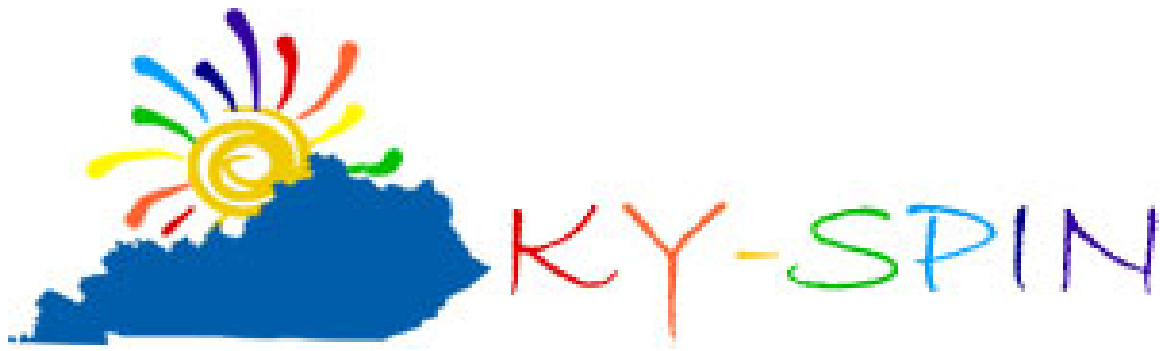
Presents
“Long COVID”- What is it and
What it Means to You Webinar

KY-SPIN

(Special Parent Involvement Network)

Parent Training & Information (PTI) Center

Funded by the U.S. Dept. of Education under IDEA since 1988 when Kentucky first received a PTI. KY-SPIN Parent Center provides training, information and support for children and youth with all types of disabilities (birth through 26 years old), their parents, families, and professionals.



We do NOT:
Act as Attorneys

We DO:

- ♥ Empower Families to Effectively Advocate for their Children
- ♥ Provide peer support to help families access needed information and resources
- ♥ Lend a listening ear



What is it “Long COVID”

Post-COVID Conditions (CDC)

Post-COVID conditions are a wide range of new, returning, or ongoing health problems people can experience **four or more weeks** after first being infected with the virus that causes COVID-19. Even people who did not have COVID-19 symptoms in the days or weeks after they were infected can have post-COVID conditions. These conditions can present as different types and combinations of health problems for different lengths of time.

”Long COVID”

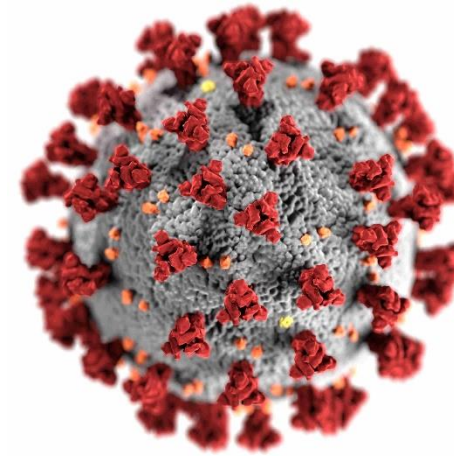
These post-COVID conditions may also be known as long COVID, long-haul COVID, post-acute COVID-19, long-term effects of COVID, or chronic COVID.

What is long COVID and what are its symptoms?

According to the Centers for Disease Control and Prevention (CDC), people with long COVID have a range of new or ongoing symptoms that can last weeks or months after they are infected with the virus that causes COVID-19 and that can worsen with physical or mental activity.

Examples of common symptoms of long COVID include:

- Tiredness or fatigue
- Difficulty thinking or concentrating (sometimes called “brain fog”)
- Shortness of breath or difficulty breathing
- Headache
- Dizziness on standing
- Fast-beating or pounding heart (known as heart palpitations)
- Chest pain
- Cough
- Joint or muscle pain
- Depression or anxiety
- Fever
- Loss of taste or smell



This list is not exhaustive. Some people also experience damage to multiple organs including the heart, lungs, kidneys, skin, and brain.

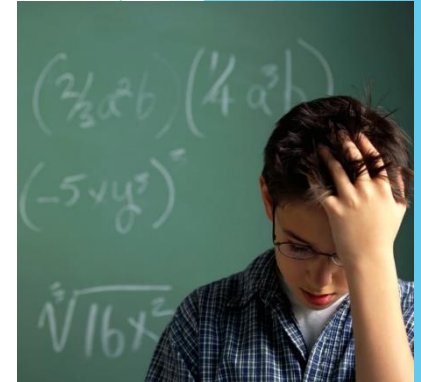
Children and Adolescents

A person of any age who has had COVID-19 can later develop a post-COVID condition. Although post-COVID conditions appear to be less common in children and adolescents than in adults, long-term effects after COVID-19 do occur in children and adolescents. Studies have reported long-term symptoms in children with both mild and severe COVID-19, including children who previously had [multisystem inflammatory syndrome in children](#). Similar to the symptoms seen in adults, the most common symptoms reported have been tiredness or fatigue, headache, trouble sleeping (insomnia), trouble concentrating, muscle and joint pain, and cough. Young children may have trouble describing the problems they are experiencing; information on post-COVID conditions in children and adolescents is limited. It is possible that other symptoms may be likely in younger age groups.



Children and Adolescents

If your child has a post-COVID condition that impacts their ability to attend school, complete schoolwork, or perform their usual activities, it may be helpful to discuss with your child's school possible accommodations such as extra time on tests, scheduled rest periods throughout the day, a modified class schedule, etc. School administrators, school counselors, and school nurses can work with families and healthcare professionals to provide learning accommodations for children with post-COVID conditions, particularly those experiencing thinking, concentrating, or physical difficulties. You may also request similar accommodations for activities outside of school, such as day care, tutoring, sports, scouting, etc.



What Long COVID could mean for your child

Can long COVID be a disability under the ADA, Section 504, and Section 1557?



Yes, long COVID can be a disability under the ADA, Section 504, and Section 1557 if it substantially limits one or more major life activities. These laws and their related rules define a person with a disability as an individual with a physical or mental impairment that substantially limits one or more of the major life activities of such individual (“actual disability”); a person with a record of such an impairment (“record of”); or a person who is regarded as having such an impairment (“regarded as”). A person with long COVID has a disability if the person’s condition or any of its symptoms is a “physical or mental” impairment that “substantially limits” one or more major life activities.

This guidance addresses the “actual disability” part of the disability definition. The definition also covers individuals with a “record of” a substantially limiting impairment or those “regarded as” having a physical impairment (whether substantially limiting or not). This document does not address the “record of” or “regarded as” parts of the disability definition, which may also be relevant to claims regarding long COVID.

[HHS & DOJ-OCR Guidance on Long COVID as a Disability Under the ADA, Section 504, and Section 1557 \(07/26/2021\)](#)

Long COVID is a physical or mental impairment

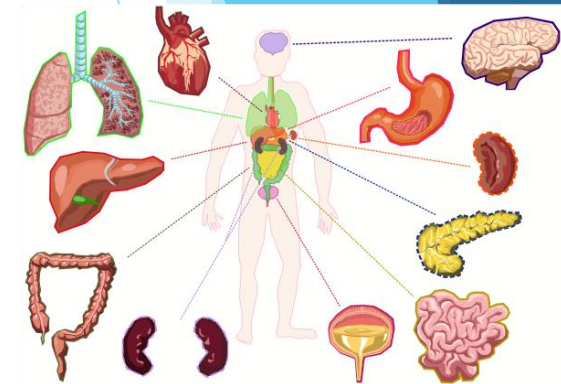
A physical impairment includes any physiological disorder or condition affecting one or more body systems, including, among others, the neurological, respiratory, cardiovascular, and circulatory systems. A mental impairment includes any mental or psychological disorder, such as an emotional or mental illness.

Long COVID is a physiological condition affecting one or more body systems. For example, some people with long COVID experience:

- Lung damage
- Heart damage, including inflammation of the heart muscle
- Kidney damage
- Neurological damage
- Damage to the circulatory system resulting in poor blood flow
- Lingering emotional illness and other mental health conditions

Accordingly, long COVID is a physical or mental impairment under the ADA, Section 504, and Section 1557.

[HHS & DOJ-OCR Guidance on Long COVID as a Disability Under the ADA, Section 504, and Section 1557 \(07/26/2021\)](#)



Long COVID can substantially limit one or more major life activities



“Major life activities” include a wide range of activities, such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, writing, communicating, interacting with others, and working. The term also includes the operation of a major bodily function, such as the functions of the immune system, cardiovascular system, neurological system, circulatory system, or the operation of an organ.

The term “substantially limits” is construed broadly under these laws and should not demand extensive analysis. The impairment does not need to prevent or significantly restrict an individual from performing a major life activity, and the limitations do not need to be severe, permanent, or long-term. Whether an individual with long COVID is substantially limited in a major bodily function or other major life activity is determined without the benefit of any medication, treatment, or other measures used by the individual to lessen or compensate for symptoms. Even if the impairment comes and goes, it is considered a disability if it would substantially limit a major life activity when the impairment is active.

Examples

Long COVID can substantially limit a major life activity. The situations in which an individual with long COVID might be substantially limited in a major life activity are diverse. Among possible examples, some include:

- A person with long COVID who has lung damage that causes shortness of breath, fatigue, and related effects is substantially limited in respiratory function, among other major life activities.
- A person with long COVID who has symptoms of intestinal pain, vomiting, and nausea that have lingered for months is substantially limited in gastrointestinal function, among other major life activities.
- A person with long COVID who experiences memory lapses and “brain fog” is substantially limited in brain function, concentrating, and/or thinking.

Is long COVID always a disability?

No. An individualized assessment is necessary to determine whether a person's long COVID condition or any of its symptoms substantially limits a major life activity.



[HHS & DOJ-OCR Guidance on Long COVID as a Disability Under the ADA, Section 504, and Section 1557 \(07/26/2021\)](#)

What rights do people whose long COVID qualifies as a disability have under the ADA, Section 504, and Section 1557?

People whose long COVID qualifies as a disability are entitled to the same protections from discrimination as any other person with a disability under the ADA, Section 504, and Section 1557. Put simply, they are entitled to full and equal opportunities to participate in and enjoy all aspects of civic and commercial life.

For example, this may mean that businesses or state or local governments will sometimes need to make changes to the way that they operate to accommodate a person's long COVID-related limitations. For people whose long COVID qualifies as a disability, these changes, or "reasonable modifications," may include:

- Providing additional time on a test for a student who has difficulty concentrating
- Modifying procedures so a customer who finds it too tiring to stand in line can announce their presence and sit down without losing their place in line
- Providing refueling assistance at a gas station for a customer whose joint or muscle pain prevents them from pumping their own gas
- Modifying a policy to allow a person who experience dizziness when standing to be accompanied by their service animal that is trained to stabilize them

[HHS & DOJ-OCR Guidance on Long COVID as a Disability Under the ADA, Section 504, and Section 1557 \(07/26/2021\)](#)



[Long COVID under Section 504 and the IDEA:
A Resource to Support Children, Students, Educators, Schools,
Service Providers, and Families \(OSEP & OCR\) 7/26/21](#)

Background: About Section 504 and IDEA

Section 504 prohibits disability discrimination and ensures that students with disabilities have equal access to educational opportunities. In the education context, this law applies to schools that receive Federal financial assistance from the Department and is enforced by the Department's OCR.

IDEA Part B ensures that a free appropriate public education (FAPE) is available to all children with disabilities residing in the State between the ages of 3 through 21 years, with a few specific exceptions, and including children with disabilities who have been suspended or expelled from school. Under Part C of the IDEA, infants and toddlers (birth through age 2 years) with disabilities and their families are eligible to receive early intervention services. OSERS' Office of Special Education Programs (OSEP) administers the IDEA, including the Federal Special Education Grants to States under Part B and Special Education Grants for Infants and Toddlers under Part C.



Protections and Services Under IDEA and Section 504 for Children and Students with Long COVID

A child or student experiencing long COVID or other conditions that have arisen as a result of COVID-19 may be eligible for special education and related services under IDEA and/or may be entitled to protections and services under Section 504. Some children and students who were already identified as having a disability under IDEA and/or Section 504 and who have contracted COVID-19 may experience new or worsened symptoms related to their pre-existing disability, to COVID-19, or to both. If these symptoms persist in the form of long COVID, these children or students may need new or different related aids and services, specialized instruction, or reasonable modifications. Other children or students may be found eligible for services under IDEA and/or Section 504 for the first time because of the adverse impact of long COVID on the child's educational achievement and functioning (IDEA) or if long COVID substantially limits one or more of the student's major life activities (Section 504).

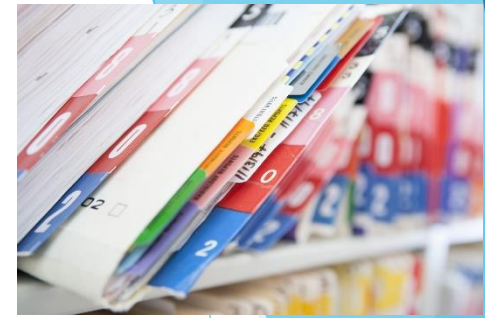


Eligibility Under IDEA

To be eligible for special education and related services under Part B, the child must be evaluated and determined to be a child who has a disability and who requires specialized services as defined under IDEA. IDEA Part B regulations, a child may be eligible for special education and related services based on having an “**other health impairment**” if the child has limited strength, vitality, or alertness due to a chronic or acute health problem that adversely affects the child’s educational performance.

To be eligible for early intervention services under IDEA Part C, an infant or toddler must receive a comprehensive, multidisciplinary evaluation and meet the State’s eligibility criteria. For example, infants with severe post-COVID conditions could, based on evaluation data, have developmental delays that make them eligible for early intervention services.

Eligibility Under Section 504



Under Section 504, a person has a disability if they:

- (1) have a physical or mental impairment that substantially limits a major life activity;
- (2) have a record of such an impairment; or
- (3) are regarded as having such an impairment.¹ Major life activities include, for example, breathing and concentrating as well as major bodily functions such as functions of the immune system.^{1A} A student does not need to be substantially limited in their learning to be eligible for protection and services under Section 504. If a student's long COVID substantially limits one or more major life activities, the student would have a disability under Section 504. This analysis applies to all students, whether in pre-school, elementary or secondary school, or a postsecondary setting.

What To Do if a Child or Student Is Experiencing Long COVID

Early Childhood, Elementary, and Secondary Children and Students

Long COVID impacts children and students in a variety of ways, and therefore, the determination of whether a child or student is eligible for IDEA and/or Section 504 services must be made on an individual basis following existing procedures in those laws and their implementing regulations.

Child Find and Evaluation Procedures under IDEA Part C

First Steps in KY – Birth to 3 years old

Child Find is a requirement that States have a system in place to identify, locate, and evaluate all infants and toddlers with disabilities who may be eligible for early intervention services as early as possible. A child suspected of having a disability should be referred as soon as possible, but in no case more than seven days, after the child has been identified. With parental consent, a timely, comprehensive, multidisciplinary evaluation must be completed, and if the child is determined eligible, a child and family assessment must be conducted to determine the appropriate early intervention services and supports for the child and family. The initial evaluation and the initial assessments of the child and family and the initial individualized family service plan (IFSP) meeting must be completed within 45 days from the date the lead agency (KY Department of Public Health - First Steps program in KY) or early intervention service (EIS) provider receives the referral of the child. The lead agency or EIS provider must ensure that once the IFSP is developed and the parent consents to services, the IFSP is implemented as soon as possible.



Child Find and Initial Evaluation Procedures under IDEA Part B

KY Public School District - Ages 3-21

Similarly, Child Find for IDEA Part B requires public agencies to implement policies and procedures ensuring that all children with disabilities who need special education and related services are identified, located, and evaluated, regardless of the severity of the disability. This includes, for example, children who may have been identified as a child with a disability under the IDEA category of other health impairment as a result of contracting COVID-19 (e.g., long COVID or multisystem inflammatory syndrome in children, known as MIS-C). Child Find activities typically involve a screening process to determine whether the child should be referred for a full evaluation to determine eligibility for special education and related services. If the public agency suspects the child may have a disability under IDEA, it must seek the parent's consent to conduct an initial evaluation. That evaluation must be [consistent with IDEA's requirements](#) and conducted within 60 days of receiving parental consent or within the State-established timeline*. At the completion of the evaluation, a group of qualified professionals and the child's parent determine whether the child is a child with a disability as defined in IDEA and, if yes, identify the educational needs of the child.



*In KY the school has 60 school days from date parents sign consent to complete the evaluation.

Evaluation Procedures under Section 504

Under Section 504, schools must conduct an evaluation in a timely manner of any student who needs or is believed to need special education or related services because of a disability. The evaluation of a student must be individualized and not make any conclusions based on the child's diagnosis alone. Once the evaluations are completed, a group of people knowledgeable about the child and the child's evaluation data and placement options (for example, the child's parents, school nurses, teachers, counselors, psychologists, school administrators, social workers, doctors, etc.) reviews the evaluation results. Then the group determines the child's placement based on whether the student has a disability and what, if any, supports are needed. For example, a student who has had COVID-19 and who continues to have difficulty concentrating may require an evaluation to determine if the student has a disability and needs special education or related services such as additional time to finish classwork and tests. For students who already receive services under Section 504, schools must provide reevaluations periodically and prior to a significant change in placement.

Eligibility and Implementation under IDEA and Section 504

If the child is eligible for services under Part C (Birth-3 years old) of IDEA, an IFSP will be developed by the IFSP Team, which includes the infant's or toddler's parent. For example, an IFSP Team may determine that a toddler with developmental delays as a result of the effects of long COVID may require early intervention services and occupational therapy to address fine and visual motor skills. The IFSP could also include parent services or family-centered interventions to foster social-emotional well-being as the toddler recovers from long COVID.

Likewise, a child determined eligible for services under Part B (3-21 years old) will have an Individualized Education Program (IEP) developed by the IEP Team, which includes the child's parent. For example, an IEP Team may determine that a child whose disability meets the definition of other health impairment under IDEA and who is experiencing difficulty concentrating and anxiety symptoms related to long COVID may need to receive special education and related services and supplementary aids and services to improve academic engagement during instructional periods, counseling services to address anxiety, and a plan for positive behavioral interventions and supports to promote on-task behavior and adaptive responses to stress triggers.



Eligibility and Implementation under Section 504

If a student is eligible for services or reasonable modifications under Section 504, schools often record those services and modifications in a document called a Section 504 plan. Under Section 504, for example, a group of knowledgeable people may determine that a student requires a reasonable modification to the attendance policy to receive excused absences for long COVID-related illness or medical appointments beyond the initial period of illness.

**ARE YOU
ELIGIBLE?**

Postsecondary Education Students

Colleges and universities also have obligations under Section 504 and must provide students with disabilities an opportunity to participate that is equal to that of students without disabilities. This obligation extends to students whose long COVID substantially limits a major life activity.

Postsecondary education students who are experiencing long COVID may have a disability; if so, they may require academic adjustments and/or reasonable modifications. For example, a student with asthma may experience increased difficulty breathing and new difficulty with walking as a result of long COVID. That student may need a reasonable modification to register early for a class schedule that minimizes the distance between classes.

In the postsecondary setting, Section 504 does not require colleges or universities to identify students with disabilities. Students who require academic adjustments or reasonable modifications may request them; typically, students work with a postsecondary institution's disability services office to identify appropriate modifications.



If you still have
questions...



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Please complete our evaluation

Sources: OSEP, OCR, CDC, HHS, DOJ