

# SPECIAL EDUCATION SERVICES (SES)

## COVID-19 Q&A

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The following questions were submitted by stakeholders from around the state. The answers are based on current and best knowledge and will be updated throughout the coming weeks if there are changes.

DISTANCE LEARNING	
1. What is considered online learning?	Online learning means that the educational instruments and instruction are accessible from the Internet. “Distance learning” may be a better term for the current situation as it can take on a variety of forms—not just online. Distance learning implies that students participate in learning activities without being face-to-face with the instructor.
2. Can online learning look different for students with disabilities (SWD)?	Yes. Distance learning may look different for SWDs. If the “distance learning” is online, individualized supports and services will be provided to those for whom an online model is appropriate, accessible and reasonable. For others, “appropriate” distance learning may look different—all must be considered in light of the current COVID-19 circumstances and the child’s needs presented in the current situation, etc. For more information see: <a href="#">Urging States to Continue Educating Students with Disabilities, Secretary DeVos Publishes New Resource on Accessibility and Distance Learning Options</a>
3. What are the expectations on delivering instruction to SWDs virtually?	Distance learning has the potential to look different for students with disabilities. Individualized supports and services should be provided to those for whom an online model is appropriate, accessible, and reasonable. All options must be considered in light of the current COVID-19 circumstances and the educational needs of the child. As a reminder, federal law requires distance instruction to be accessible but does not mandate specific methodologies. If technology is a barrier, educators may use equally effective alternate access.

<p>4. What is the responsibility to deliver specially designed instruction (SDI?)</p>	<p>Special education and related services must be provided to SWDs when instruction is provided. The quality of SDI will be judged in light of the current circumstances and in light of whether schools made good faith, reasonable efforts to deliver SDI during an unfortunate health and safety emergency.</p>
<p>5. Does SDI apply to enrichment activities that teachers provide to general education students?</p>	<p>If students without disabilities are being provided enrichment activities, then SWDs should be given the same opportunity, as appropriate and with supports.</p>
<p>6. Do we need to provide related services? What does this look like?</p> <p>What are schools supposed to do about PT/OT, and other related services?</p>	<p>Yes, if related services are on the current IEP and it is possible and appropriate in light of the current circumstances, related services should be provided during distance learning. Some related services (e.g., OT, PT, and speech therapy) can be provided through teletherapy; however, some SWDs may not be able to benefit from these services virtually. The appropriateness of teletherapy (and/or other means of providing related services from a distance) is a case-by-case decision, in light of the student's circumstances.</p>
<p>7. Do some services need to be face-to-face? Allowed? Required?</p>	<p>Due to the COVID-19 pandemic, no in-person instruction is allowed. The possibility of face-to-face services may change as social distancing mandates change and Center for Disease Control (CDC) and other guidelines change; however, in light of what we know right now and in light of the State of Alabama's and national mandates for school closure and social distancing, face-to-face services are not allowed.</p>
<p>8. What will one-on-one service look like (3-4 hours/week)?</p>	<p>It may or may not be different, depending on the IEP and whether those services can be reasonably and appropriately provided via a distance learning model.</p>
<p>9. Can self-contained or medically fragile classes be considered for small group instruction?</p>	<p>Due to the COVID-19 pandemic, no in-person instruction is allowed. Guidelines from the CDC, and state/local entities would determine whether small group instruction is an option after the school closure is lifted.</p>
<p>10. What is the guidance on providing access to the internet?</p>	<p>It is possible this may be addressed for all students in the LEA. If not, and internet access is an issue, look at other ways to provide appropriate distance learning opportunities. If access is the only way to provide effective distance learning, then the district may need to consider providing internet access.</p>
<p>11. What is the guidance on providing access to the internet in rural/remote areas?</p>	<p>Same as above. But, the determination of what is reasonable and feasible becomes different than it might be in other locations.</p>

<p>12. Provide examples of how other districts will provide services.</p>	<p>Links to information from other states are currently being compiled and will be provided. See also: <a href="https://ncsi-library.wested.org/resources">Federal and State Resources and Guidance</a> <a href="https://ncsi-library.wested.org/resources">https://ncsi-library.wested.org/resources</a></p>
<p>13. School system does not have the capacity to provide devices systemwide, is this discriminatory?</p>	<p>It could be a problem if a device is necessary to make something accessible to a SWD or to provide some services appropriate in light of the student's circumstances. Whether or not a SWD requires a device for distance learning is a case-by-case decision, in light of the student's circumstances.</p>
<p>14. Is there guidance on less services if system implements a face to face service approach?</p>	<p>Due to the COVID-19 pandemic, no in-person instruction is allowed. The minutes/number of hours for services may be greater than or less than in a distance learning situation than a traditional face-to-face situation, based on the student's circumstances.</p>
<p>15. Is there guidance on student confidentiality with online/virtual/phone services?</p>	<p>Conducting meetings and lessons using online and virtual means can lead to less obvious issues with privacy and/or confidentiality. For more information see: <a href="#">Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices</a></p>
<p>16. Is there guidance on using paraprofessionals to deliver services?</p>	<p>The federal IDEA regulations allow appropriately <u>trained</u> and supervised paraprofessionals to be used to <u>assist</u> in the provision of special education and related services to SWDs. The same applies during distance learning.</p>
<p>17. How do we accommodate SWDs in a distance learning environment and 1:1 if the student does not have access to technology resources (WI-FI, etc.)?</p>	<p>If there is no other distance learning way to work on the skills/goals identified in the IEP that will benefit the student, then WI-FI and/or assistive technology (AT) may be needed. However, even that may not be appropriate for some students during distance learning in light of their circumstances and individual needs.</p>
<p>18. How will school closures affect extended school year (ESY) and regression decisions?</p>	<p>Depending upon when school re-opens and the length of the summer break, IEP Teams will make the determination for the need for ESY based on the typical factors considered and what is necessary to prevent significant regression.</p>

<p>19. Are there any accommodations considered mandatory (even if it puts an undue burden on the school/district)?</p>	<p>SWDs are legally entitled to receive accommodations. Accommodations should be (1) individualized to meet the student’s needs and (2) reasonable. Reasonable accommodations change or adjust the way things usually are, go beyond options typically offered to all students, and are intended to level the playing field. Reasonableness can be measured by considering the following:</p> <ul style="list-style-type: none"> <li>– Is the accommodation directly related to the student’s disability?</li> <li>– Will the accommodation be effective in helping the SWD perform?</li> <li>– Is the accommodation needed to remove a barrier?</li> <li>– Is the burden of the accommodation proportionate to its benefit?</li> </ul> <p>General and special education teachers must continue to collaborate to determine the appropriateness and success of the accommodations SWD receive. The IEP Team should work with the SWD to identify an alternative solution if it believes an accommodation is not reasonable and/or creates an undue hardship.</p>
<p>20. For students that will be receiving instruction online, what type of accommodations do/can SWDs receive considering a teacher isn’t face to face?</p>	<p>Accommodations are not limited to face-to-face interactions. Some broad categories of accommodations include presentation of instruction, student responses, environment/setting, time/scheduling, organization and student products.</p>
<p>21. Is there any guidance on providing services to students who are unable to access digital learning tools (e.g., students with significant cognitive disabilities, sensory impairments, and/or physical limitations?)</p>	<p>Based on the guidance from the USDOE Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities, March 21, modifications and accommodations to virtual may include: extended reading material, and speech/language services. The link to supplemental documents can be found here: <a href="#">USDOE Guidance</a></p>
<p><b>TIMELINES, MEETINGS, EVALUATIONS, SERVICES</b></p>	
<p>22. How should timelines be addressed?</p>	<p>As a general principle, during this unprecedented national emergency, public agencies are encouraged to work with parents to reach mutually agreeable extensions of time, as appropriate.</p>
<p>23. Is there any guidance for completing assessments that were in the referral/reevaluation process at the time of closure?</p> <p>Is there any guidance for face to face meetings; completion of evaluations?</p>	<p>Doing the best that can be done to timely/expeditiously complete these processes is vital. However, where evaluations require face-to-face, in-person assessment or other interaction, it is not possible in light of the health/safety mandates currently in place. Document efforts/results and resume when school reopens.</p>

<p>24. Is there any guidance on the process to document past due dates and re-evals?</p>	<p>Good faith efforts to convene annual review meetings for the purpose of reviewing the student’s progress during the 2019-20 school year should be documented. Document reasons why all procedural requirements related to meetings were not feasible in light of the current circumstances.</p> <p>Use the “EMERGENCY LEA/SCHOOL CLOSURE” form provided in the March 13, 2020 News You Can Use (NYCU) to document any impact of the school closure on initial evaluation due dates and transition from Early Intervention (EI) to Preschool IEP implementation by the child's 3rd birth date.</p>
<p>25. Is there guidance for phone conference and remote meetings?</p> <p>Can Zoom/virtual IEP meetings suffice?</p>	<p>Legally, having meetings remotely and via phone conference, particularly in light of the current circumstances, is appropriate. IDEA regulations and the AAC specifically contemplate these options for parents who cannot be present.</p>
<p>26. Is there guidance on compliance of required IEP Team members?</p>	<p>IEP Teams must make good faith, reasonable efforts to include all required Team members. If not feasible to include all required Team members, document and proceed where possible. If a parent requests the IEP Team “wait” to meet in lieu of meeting by telephone; please weigh all options and proceed carefully. Document all attempts to schedule meetings and work with parents to reach mutually agreeable extensions of time when a parent asks the IEP Team to wait.</p>
<p>27. Can parents opt out for their child to participate in on-line learning?</p>	<p>Yes, but it would be important to determine and document why the services are rejected. Options may be limited due to circumstances outside of anyone’s control during a school closure; however, to the greatest extent possible LEAs should consider a variety of methods to provide distance learning to the student. Again, “distance learning” rather than online learning should be the term used. On-line learning may not be appropriate for some SWDs, while other types of distance learning are appropriate.</p>
<p>28. Is there guidance for signatures on documents?</p>	<p>Document parent participation and agreement with a notation on the document (and in annotate process) and do the same for documenting if a parent refuses to sign something. On documents where consent is required, document that the parent gave consent via email, telephonically, etc.</p>

<p>29. Is there guidance on summer services to make up for services lost during closure?</p>	<p>Where schools have made and documented good faith efforts to do the best they could to provide services on IEPs through distance learning plans and in light of the circumstances, “compensatory education” would not necessarily be required, because the deprivation of services was not caused by the district; it was caused by COVID-19. Service providers must quickly assess the impact the school closure had on the educational progress of each SWD once school resumes under normal, non-pandemic conditions; and hold an IEP meeting if it appears additional services are needed to address any changes in the student’s needs as a result of the school closure. Schools must be vigilant in assessing the impact, if any, the school closure had on the needs of the student and revise/add services to the 2020-21 IEP to meet the current needs of the student when school resumes under normal, non-pandemic conditions.</p>
<p>30. Are there resources for IQ and achievement testing virtually?</p>	<p>We do not currently have a list of resources for conducting evaluations virtually; however, it is possible publishers and testing companies will provide these options in the future.</p>
<p>31. Will funding be available to purchase what is needed for digital learning/tele-therapy?</p>	<p>At this time, we are not aware of any additional funds; however, IDEA Part B funds may be used for activities that directly relate to providing, and ensuring the continuity of, special education and related services to children with disabilities.</p>
<p>32. What considerations are being made for graduating seniors?</p>	<p>This will need to be considered, on a case-by-case basis, for each student, once school reopens. All of a student's needs (including transition) must be assessed upon return to school, and IEP Teams will need to assess the impact, if any, of the school closure on the educational progress and needs and make recommendations/decisions on an individualized basis.</p>
<p>33. What about SWD that were on the verge of failing? Are we required to do something different for them?</p>	<p>Refer to the “2019-2020 LEA Academic Continuity Plan” for the district’s final course grade option for all students.</p>
<p>34. Will the data for Indicators 11, 12 and 13 still be collected in May?</p>	<p>A NYCUC will be sent as soon as SES receives the new date from our IS Department</p>

<p>35. What initiation/duration dates do we put on IEPs written for next school year?</p>	<p>SES suggests putting the dates your LEA was/is scheduled to start and end for next school year. If the LEA is not able to start on that date, a notice should go out to all parents not just parents of students with IEPs to inform parents of the revised start date. The initiation/duration dates are required for closure so do the best you can with the information you have at the time you write the IEP.</p>
<p>36. Has there been any thought on sharing best practices? What are other States doing?</p>	<p>Yes. SES is in the process of compiling resources and information on best practice. See also: <a href="https://ncsi-library.wested.org/resources">https://ncsi-library.wested.org/resources</a> <a href="#">Educator Resources to Support Remote Learning</a></p>