



**May 5, 2020**

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# Navigating the COVID-19 Crisis

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# Agenda

1. Welcome and Introductory Comments
2. Introductions
3. Four Priorities - Do's and Don'ts
4. Updates from Washington
5. Moving Forward: ESY, Compensatory Education, Data and Goal Progress
6. Considerations for In-Person Instruction
7. Questions



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# Presenters for Today

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**Phyllis Wolfram**  
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## Real Talk

### Disclaimer:

**The information we are providing today is the best we know at this moment.**

- It might change by the end of the webinar based on additional guidance.
- It could change by next week or if things change.
- States have specific guidance which should be reviewed as well.



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# Four Priorities Do's and Don'ts



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## Four Priorities for Special Education:

1

Focus on the safety, health, and welfare of students and staff members in your community.

2

Provide FAPE - Deliver services to as many students as you reasonably can in the best way you know how.

3

Document your efforts; make sure documentation is focused, consistent, detailed and demonstrates a good faith effort to provide good services.

4

Compliance during the pandemic - IDEA wasn't built for this.

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## Four Priorities for Special Education:

1

**Focus on the safety, health, and welfare of students and staff members in your community.**

Do	Don't
<ul style="list-style-type: none"><li>● Follow CDC and State Guidance Documents even during the summer as you are planning for ESY and reopening.</li><li>● Plan for possible challenges with health and welfare in the long term.</li><li>● Focus on mental health for your staff and for students - what are you doing to keep balance?</li></ul>	<ul style="list-style-type: none"><li>● <b>Bring populations of vulnerable children together because it's easier or because it's tradition.</b></li><li>● <b>Turn to your special education lawyer for answers as to when students should be brought back on school campuses.</b></li></ul>

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## Four Priorities for Special Education:

**2** Provide FAPE - Deliver services to as many students as you reasonably can in the best way you know how.

Do	Don't
<ul style="list-style-type: none"><li>• Continue to provide as many services as possible through remote learning as you can.</li><li>• Provide Extended School Year services as you typically would have (just provide them virtually)</li><li>• Make services and supports individualized for students with disabilities.</li></ul>	<ul style="list-style-type: none"><li>• <b>Ask parents to sign “FAPE waivers.”</b></li><li>• <b>Decide you’ll just handle things through “comp. ed” when schools reopen.</b></li><li>• <b>Stop reaching out to families, even if they have disengaged with you.</b></li><li>• <b>Stop reaching out to general ed. folks.</b></li></ul>



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## Four Priorities for Special Education:

3

Document your efforts; make sure documentation is focused, consistent, detailed and demonstrates a good faith effort to provide good services.

Do	Don't
<ul style="list-style-type: none"><li>Assist your teams with staying organized with all of the “paper” and virtual records.</li><li>Organize yourself and your team over the summer for what the Fall will look like (i.e., evaluations, meetings, etc.)</li></ul>	<ul style="list-style-type: none"><li><b>Force yourself to rely on memory during this emotional and challenging time.</b></li><li><b>Count on others to be organized or to have a good plan of organization.</b></li><li><b>Plan to organize yourself “later” when things are back to “normal.”</b></li></ul>

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## Four Priorities for Special Education:

**4** Compliance during the pandemic - IDEA wasn't built for this.

Do	Don't
<ul style="list-style-type: none"><li>• Comply with meeting notification requirements in the best way you know how.</li><li>• Attempt to meet timelines as best as possible.</li><li>• Follow through with state guidance documents.</li></ul>	<ul style="list-style-type: none"><li>• <b>Count on any flexibilities coming from Congress.</b></li></ul>

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# Flexibilities & the CARES Act



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## CARES Act - K-12 Funding Summary



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	Elementary and Secondary School Emergency Relief Fund	Education Stabilization Fund Discretionary Grants	Governor's Emergency Education Relief Fund
<i>Amount</i>	\$13.5 Billion	\$307 Million	\$3 Billion
<i>Formula</i>	Title I	Application	Population & number of K-12
<i>Distribution</i>	State Agencies	Governors' Offices in states hardest hit	By Governors' Offices

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## What We're Working On

### CARES Act - Flexibility Language



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- As the voice for the local special education director, CASE worked with the National Association of State Directors of Special Education (NASDSE) to send a letter to OSERS seeking specific flexibilities.
- 31 state units signed the same letter.
- NAESP, NASSP, and several other organizations have sent similar letters.
- In our organizational history, we have never sought such flexibilities.
- Flexibilities sought in timelines, procedures, and fiscal management.

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## How the Federal Government Monitors States

### The Need for Flexibilities in Some of the Process Pieces

- Under Section 1416 of IDEA, the U.S. Department of Education is tasked with **monitoring compliance** of state and local education agencies with all of the “**process pieces**.”
- Each LEA is required to submit data to the state that reflects process compliance (e.g., timely completion of initial evaluations, annual reviews of IEPs, timely resolution of parent complaints)
- In turn, each state submits this information to the U.S. DOE through its **State Performance Plan**.



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# CARES Act - Flexibilities Needed

## Timelines



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- ***60-day initial evaluation timelines and re-evaluation triennial due dates*** [34 C.F.R. § 300.301(c); 34 C.F.R. §300.303(b)(2)].
- ***Annual IEP review timelines*** [34 C.F.R. §300.324(b)(1)].
- ***Complaint timelines*** [34 C.F.R. 34 C.F.R. §300.508; C.F.R. § 300.510(a) and (c); 34 C.F.R. § 300.515(a) and (c)].
- ***Part C to Part B Transition Timelines*** [34 C.F.R. § 300.124].

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# CARES Act - Flexibilities Needed

## Procedures



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- *Documentation of FAPE under each district's circumstances and IEP meeting procedures [34 C.F.R. §300.323(c)(1); 34 C.F.R. §300.324(b)(1); 34 C.F.R. §300.324(a)(4)(i); 34 C.F.R. §300.328].*
- *Data collection and corrective action plans [34 C.F.R. § 300.152]*



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# CARES Act - Flexibilities Needed

## Fiscal Management

- *Maintenance of Effort [34 C.F.R. §300.203-205],*
- *Comprehensive Coordinated Early Intervening Services set-aside funds [34 C.F.R. §300.205; 34 C.F.R. §300.326]*
- *Proportionate Share [34 C.F.R. § 300.133]*



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## Acting to Support Flexibilities

### Temporary and Targeted Flexibility Is Necessary



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- Senator Cassidy (R-Louisiana) and Senator Murphy (D-Connecticut) offered a plan for narrow, temporary, and targeted flexibilities:
  - **Principle 1:** Preserve the right FAPE
  - **Principle 2:** Engage Parents, Ensure Due Process
  - **Principle 3:** Maintain Oversight and Accountability
  - **Principle 4:** Communicate Current Flexibilities Clearly and Provide Assistance
  - **Principle 5:** Provide Funding to States and School Districts

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# School Closure Efforts, FAPE, & ESY



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# Identify Where Your School Is Located

Completely Closed	Homework Packets	Continuous Learning Opportunities	e-Learning/ Distance	Completely Open
<ul style="list-style-type: none"><li>• School is completely closed.</li><li>• No services provided to any student.</li></ul>	<ul style="list-style-type: none"><li>• School is closed, but learning activities are being provided for students.</li><li>• Learning activities are primarily parent/ guardian supported.</li></ul>	<ul style="list-style-type: none"><li>• School is closed, but learning is continuing with teachers and service providers actively checking in with students.</li></ul>	<ul style="list-style-type: none"><li>• Brick and mortar school is closed.</li><li>• Learning is continuing through a continued series of structured activities which are teacher directed, student implemented, and assessed for progress.</li></ul>	<ul style="list-style-type: none"><li>• Brick and mortar schools are open.</li></ul>

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# Continuum of Closure Efforts

	Completely Closed	Homework Packets	Continuous Learning Opportunities	e-Learning/ Distance	Completely Open
Key Factors	No services provided to any student	Learning activities are primarily parent/guardian supported	Learning activities are supported by teachers and providers.	Learning activities are continuous, structured, and ongoing. Little parent support necessary.	Brick and mortar schools are open.
Focus of Efforts	Planning for next stage	<ul style="list-style-type: none"><li>• Is the work accessible and accommodated?</li><li>• Is there any way to tailor this work for students?</li><li>• Is there any way to focus it on goals and progress?</li><li>• Are you engaging with all students?</li></ul>			What's appropriate?

**Document your good faith efforts so you know what has been provided!**

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# FAPE During School Closures

Completely Closed

Homework  
Packets

Continuous  
Learning  
Opportunities

e-Learning/  
Distance

Completely  
Open

What's  
Appropriate?

- No regular services provided to any student means no FAPE requirements

- What is **appropriate** in light of the current circumstances?
- Are you making **good faith** efforts to provide **appropriate services**?
- Are you making good faith efforts to **engage** with families to determine FAPE?
- Are you making good faith efforts to **tailor instruction**?
- What level of **student support** is needed from **parents** and what level of **consultation** is needed to support them?

- *Endrew F. Standard*

## Considering ESY in Light of COVID 19

June 2019 - Point the Schools Closed	March 2020 - June 2020 COVID-19 School Closures	June 2020 - August - 2020
<ul style="list-style-type: none"><li>• Analyze the data and determine student progress at the point schools closed.</li><li>• Consider ESY based on prior regression data at this point. (These students have likely already been identified or decided through a typical IEP meeting)</li></ul>	<ul style="list-style-type: none"><li>• Maintain documentation of what services were offered.</li><li>• Maintain documentation of what services were delivered.</li><li>• Collect solid data on IEP goal progress across the time frame services are delivered under distance learning frameworks.</li></ul>	<ul style="list-style-type: none"><li>• Implement ESY services based on team determinations</li><li>• Analyze COVID Impact</li><li>• Consider addressing COVID Impact for all students including students with disabilities</li><li>• Plan for the Fall through assessment of student performance and delivery of FAPE</li></ul>

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# Thinking Through ESY Logistics

## Some Design Principles

- Don't use ESY as the catch all
- Think about the 4 Priorities
  - In person vs. virtual
  - Beginning of summer vs. end of summer
  - Provide FAPE based on individual needs and student circumstances
  - Classes vs. Group



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# Compensatory Education

## A Legal Analysis:

### FAPE is required during the Pandemic

- Compensatory Education is a legal remedy if a district does not provide FAPE
- Ask these questions:
  - What is FAPE under the circumstances?
  - Has the district documented and offered FAPE during the pandemic?

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# IEP Goal Progress Monitoring

## The Importance of the Final Benchmark

### Understanding the Success of Distance Learning

- Consider Assessment Possibilities
- What aligns to goals and how could you gather this data?
- Manage the data
- Support Special Educators to analyze data to provide clear COVID impact.

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# Returning to In-Person Instruction



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## In-Person Instruction

- **Immunizations** –
- **General supplies** – sanitizer, soap, masks, thermometers, wipes
- **Cleaning protocols** – commit to writing (you will receive lots of questions), including equipment, e.g., standers, adaptive seating
- **Social distancing** – consider age, ability, medical fragility
- **School schedule** – rotational, staggered, intermittent
- **Transportation** – cleaning, seat assignments, masks
- **Communications** – what happens when staff or students become ill? What if a family member becomes ill?
- **Physical education / extracurriculars** – PE yes, activities no
- **Service/comfort animals** – depends on whether animals can contract COVID-19 (early indications are this is likely)

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## Remote Learning/Instruction

There is likely a difference between remote learning (temporary) and remote instruction (more permanent)

- ***IEP revisions/amendments*** – do we need to ‘plan’ for remote instruction in the event it occurs (similar to an ESY analysis)
- ***IEP meetings / reevaluations*** – make a list, check it twice, get er done
- ***Length of instruction*** – will not likely be a 5 clock hour day, but will probably be something more than remote learning
- ***2<sup>nd</sup> set of books at home*** – old language, but good analogy for specialized equipment, i.e., an octopus mount for an iPad
- ***Parent training*** – think about all the things that you might need to train parents on if remote learning/instruction continues
- ***Home / Hospital Instruction***

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# Questions for the Presenters?

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and information visit:**

[www.casecec.org](http://www.casecec.org)

[www.naesp.org](http://www.naesp.org)





- **Leading Virtual Learning Communities webinars:**
  - **School Nutrition and Summer Enrichment Activities During COVID-19**  
May 14, 2020 | 2:00 – 3:00 p.m. ET | [Register Now!](#)
- **Principal(ing) in Place: An Evening to Connect, Learn, and Laugh webinars:**
  - **Tales From a Leader: Ways to Infuse Literacy Into Your Virtual Leading**  
May 7, 2020 | 8:00 – 9:00 p.m. ET | [Register Now!](#)
- **Live at 5 ET: You Ask, We Answer!**
  - May 5, 2020 | 5:00 – 6:00 p.m. ET | [Register Now!](#)