Navigating the COVID-19 Crisis

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May 5, 2020
#WeKeepLeading
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
Presenters for Today

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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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May 5, 2020

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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.
Four Priorities for Special Education:

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

<table>
<thead>
<tr>
<th>Do</th>
<th>Don’t</th>
</tr>
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</table>
| ● Follow CDC and State Guidance Documents even during the summer as you are planning for ESY and reopening.  
● Plan for possible challenges with health and welfare in the long term.  
● Focus on mental health for your staff and for students - what are you doing to keep balance? | ● Bring populations of vulnerable children together because it’s easier or because it’s tradition.  
● Turn to your special education lawyer for answers as to when students should be brought back on school campuses. |
### 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.**

<table>
<thead>
<tr>
<th>Do</th>
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<tbody>
<tr>
<td>● Continue to provide as many services as possible through remote learning as you can.</td>
<td>● Ask parents to sign “FAPE waivers.”</td>
</tr>
<tr>
<td>● Provide Extended School Year services as you typically would have (just provide them virtually)</td>
<td>● Decide you’ll just handle things through “comp. ed” when schools reopen.</td>
</tr>
<tr>
<td>● Make services and supports individualized for students with disabilities.</td>
<td>● Stop reaching out to families, even if they have disengaged with you.</td>
</tr>
<tr>
<td></td>
<td>● Stop reaching out to general ed. folks.</td>
</tr>
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Four Priorities for Special Education:

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

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| ● Assist your teams with staying organized with all of the “paper” and virtual records.  
● Organize yourself and your team over the summer for what the Fall will look like (i.e., evaluations, meetings, etc.) | ● Force yourself to rely on memory during this emotional and challenging time.  
● Count on others to be organized or to have a good plan of organization.  
● Plan to organize yourself “later” when things are back to “normal.” |
Four Priorities for Special Education:

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

**Do**

- Comply with meeting notification requirements in the best way you know how.
- Attempt to meet timelines as best as possible.
- Follow through with state guidance documents.

**Don’t**

- Count on any flexibilities coming from Congress.

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*May 5, 2020*
Flexibilities & the CARES Act

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# CARES Act - K-12 Funding Summary

<table>
<thead>
<tr>
<th>Element</th>
<th>Amount</th>
<th>Formula</th>
<th>Distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>ESSEERF</td>
<td>$13.5 Billion</td>
<td>Title I</td>
<td>State Agencies</td>
</tr>
<tr>
<td>Education Stabilization Fund</td>
<td>$307 Million</td>
<td>Application</td>
<td>Governors’ Offices in states hardest hit</td>
</tr>
<tr>
<td>Governor’s Emergency Education Relief Fund</td>
<td>$3 Billion</td>
<td>Population &amp; number of K-12</td>
<td>By Governors’ Offices</td>
</tr>
</tbody>
</table>

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VISION - LEADERSHIP - EXCELLENCE

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What We’re Working On

CARES Act - Flexibility Language

● 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.
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.
CARES Act - Flexibilities Needed

Timelines

- **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].
CARES Act - Flexibilities Needed

Procedures

- **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]
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

- 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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<table>
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<tr>
<th>Completely Closed</th>
<th>Homework Packets</th>
<th>Continuous Learning Opportunities</th>
<th>e-Learning/Distance</th>
<th>Completely Open</th>
</tr>
</thead>
<tbody>
<tr>
<td>School is completely closed.</td>
<td>School is closed, but learning activities are being provided for students.</td>
<td>School is closed, but learning is continuing with teachers and service providers actively checking in with students.</td>
<td>Brick and mortar school is closed.</td>
<td>Brick and mortar schools are open.</td>
</tr>
<tr>
<td>No services provided to any student.</td>
<td>Learning activities are primarily parent/guardian supported.</td>
<td></td>
<td>Learning is continuing through a continued series of structured activities which are teacher directed, student implemented, and assessed for progress.</td>
<td></td>
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# Continuum of Closure Efforts

## Key Factors

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<tr>
<td>No services provided to any student</td>
<td>Learning activities are primarily parent/guardian supported</td>
<td>Learning activities are supported by teachers and providers.</td>
<td>Learning activities are continuous, structured, and ongoing. Little parent support necessary.</td>
<td>Brick and mortar schools are open.</td>
</tr>
</tbody>
</table>

## Focus of Efforts

- Planning for next stage
- • Is the work accessible and accommodated?
- • Is there any way to tailor this work for students?
- • Is there any way to focus it on goals and progress?
- • Are you engaging with all students?

Document your good faith efforts so you know what has been provided!
## FAPE During School Closures

### What’s Appropriate?
- No regular services provided to any student means no FAPE requirements

### Completely Closed
- 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?

### Homework Packets

### Continuous Learning Opportunities

### e-Learning/Distance

### Completely Open
- **Endrew F. Standard**
## Considering ESY in Light of COVID 19

**June 2019 - Point the Schools Closed**
- Analyze the data and determine student progress at the point schools closed.
- Consider ESY based on prior regression data at this point. (These students have likely already been identified or decided through a typical IEP meeting)

**March 2020 - June 2020 COVID-19 School Closures**
- Maintain documentation of what services were offered.
- Maintain documentation of what services were delivered.
- Collect solid data on IEP goal progress across the time frame services are delivered under distance learning frameworks.

**June 2020 - August - 2020**
- Implement ESY services based on team determinations
- Analyze COVID Impact
- Consider addressing COVID Impact for all students including students with disabilities
- Plan for the Fall through assessment of student performance and delivery of FAPE
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?
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)
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
- **2nd 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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To stay up to date on resources and information visit:

www.casecec.org

www.naesp.org

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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!](#)