

## **FAQ ON SPECIAL EDUCATION DURING AND AFTER MANDATED SCHOOL CLOSURE**

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The purpose of this FAQ document is to provide information to Arizona School Risk Retention Trust (“Trust”) members on how mandated school closures may impact special education.

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### **1. Are we required to provide services pursuant to student’s IEPs while the statewide closure is in effect?**

If the District/School is providing services to the general student population, then yes, the District is required to make special education services available to all students with IEPs and/or 504 Plans as well. This may be accomplished through online/virtual opportunities and does not necessarily require in-person instruction with students.

If educational services are being provided to the general student population, services provided to students with disabilities must be provided in an equitable manner.

If services will be provided to students with disabilities during the closure, it is recommended that data be taken on the student’s progress during the closure so the information may be considered once school has resumed in any consideration for extended school year (ESY) services or compensatory education services. Also, be sure to document the type of services provided, as well as the amount (minutes) and how the services were provided.

**2. If my District/School is providing students with disabilities online learning or other services during the closure, does that mean there has been a change in placement?**

No, there has been no change in placement. Per OSEP (Office of Special Education programs), providing an alternate mode of instruction, such as online learning, during a school closure does not require an IEP amendment. Change in placement documentation would be required only if online learning (or other alternate mode) continued after a student returns to school and the delivery of instruction used was not already included in a student's IEP.

**3. What about students who have related services in their IEPs/504 Plans, like behavior support, speech/language, etc.; how are those provided?**

To the extent possible, related services may be delivered through alternate methods (virtual, materials sent home for parents, etc.). Speech and language services, counseling and perhaps even social skill instruction can be delivered virtually if the student has the means at his/her home to do so. Districts/Schools should consider whether they wish to provide 1:1 services for related services like occupational therapy or physical therapy that require the provider and student to be physically together; or even perhaps provide these services in a very small group of students (under 10) on the campus one time per week (in-person services are not required, however). Of course, the parents would need to consent, and students could not be required to participate in the in-person services during the closure.

As to related services such as behavior support, this will depend on what each individual student's IEP requires. If the services are of the type that could be delivered virtually, then every effort should be made to do so. However, if the behavior services are tied to school attendance or require the student to be in the classroom, these services may be more difficult to deliver during a closure.

**4. What should I do if I have a current evaluation in process for which a meeting has not been scheduled but will be due within the timeframe of the COVID-19 closure?**

If all testing is completed, it is recommended that the District/School contact the parents to discuss the availability of conducting a meeting telephonically, or through video conferencing methods (Zoom, Skype, etc.). If in-person meetings are required, efforts should be made to limit the meeting to 10 people or less. Alternatively, the School could request that the parent provide a 30-day extension pursuant to A.A.C. R7-2-401.E.5; however, that agreement must be in writing from the parent. Remember, however, for reevaluations, the 30-day extension cannot exceed the triennial evaluation date. Note,

however, that if school does not resume, the 30-day extension may not be helpful or eliminate the concern over the timeline for completion.

If all testing is not completed, the evaluation will likely need to be postponed. It is within each District or School's discretion as to whether it will require staff to come in and continue to complete the assessments with the student, as well as depend on the parent's consent to bring their student into the School; however, this is not recommend based on guidance related to the outbreak. If the testing will be postponed, District/School could request that the parent provide his/her written agreement to provide a 30-day extension pursuant to A.A.C. R7-2-401.E.5. Note, however, that if school does not resume, the 30-day extension may not be helpful or eliminate the concern over the timeline for completion.

In either case, the District/School should send a Prior Written Notice (PWN) if the evaluation will not be completed within the 60-calendar day timeline and note the reasons for the delay (school closure, parent did not consent to 30-day extension, etc.).

**5. What should I do if I have a current evaluation in process for which a meeting has been scheduled for a date during the timeframe of the COVID-19 closure?**

If the District/School is requiring staff to work and continue to hold meetings, contact the parent to inquire about their ability/willingness to still attend the meeting. If they are unable or unwilling, reschedule the meeting and issue a PWN as to why the meeting has been cancelled. Be sure to address whether the evaluation timeline will be exceeded due to the cancellation.

Offer alternative meeting options, i.e., telephonic or virtually; however, take into consideration the parent's access to technology and whether they are able to meaningfully participate in an alternative manner.

If a parent requests that the meeting be postponed until after school resumes, you must issue a prior written notice that reflects that: the parent has requested that the meeting be postponed; and the IEP will be revised when the parent is available to attend a meeting; and the current IEP will be implemented upon the student's return to school and until the IEP Team can convene.

**6. What if I have IEPs that are due during the required closure timeframe?**

Delaying meetings further will inevitably cause a backlog of meetings when students return to school. Therefore, if at all possible, the District/School should hold the scheduled meetings, but attempt to do so telephonically or virtually. Even during the closure, the District/School still has an obligation to remain compliant with IDEA timelines. If staff are working, every effort should be made to try and hold the annual IEP meetings.

If a parent requests that the meeting be postponed until after school resumes, you must issue a prior written notice that reflects that (1) the parent has requested that the meeting be postponed; (2) the IEP will be revised when the parent is available to attend a meeting; and (3) the current IEP will be implemented upon the student's return to school and until the IEP Team can convene.

If your staff are not working during the closure, send a PWN indicating why the IEP will not be reviewed prior to the annual date and that the student's current IEP will be implemented upon school resuming until the IEP Team can convene to develop a new IEP.

**7. Once school resumes, what are my obligations if a student with a disability is sick and cannot attend school?**

If a student with disability is absent for an extended period of time (i.e., more than 10 days) because of a COVID-19 infection (or other chronic illness) after the time school has resumed, then the IEP Team must determine whether the student is available for instruction and could benefit from a change in placement to home instruction and provide services through virtual instruction, homework packets, Internet-based lessons, and other distance based learning approaches (to the extent available).

If the student is not able to receive services, or for other reasons the District/School is unable to provide home-based services, then the IEP Team must reconvene to determine whether the student will require compensatory education to make up for any skills that may have been lost during the time the student was unable to receive educational services.

**8. Once school resumes, do I have any obligations to hold an IEP meeting to address the closure with students on IEPs and/or 504 Plans?**

If a student has not received his/her special education services for a prolonged period of time, similar to an analysis for ESY services, IEP teams should reassess whether the student has lost progress during the absence of services. If recoupment issues are present, then the IEP team should consider whether the student requires compensatory services, or even consider his/her eligibility for ESY services.

Fortunately, the closure came at the end of the 3<sup>rd</sup> quarter, or close to it, for many Districts/Schools. Be sure to use that data in any consideration of compensatory education services.

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