Special Education Considerations
• **Questions and Answers on Providing Services to Children with Disabilities During a COVID-19 Outbreak** (OSEP), March 12, 2020

• Provides high level responses to relevant questions:

  ➢ Is an LEA required to continue to provide a FAPE to students with disabilities during a school closure caused by the COVID-19 outbreak?

  ➢ May an IEP Team consider a distance learning plan in a child’s IEP as a contingency plan in the event of a COVID-19 outbreak that requires a school’s closure?

  ➢ What activities other than special education and related services may and may not be provided with IDEA Part B funds both prior and during a COVID-19 outbreak?
Federal Guidance

- **Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary, and Secondary Schools While Serving Students with Disabilities** (OCR & OSERS), March 21, 2020

  - Clarifies that federal law should not be used to prevent schools from offering distance learning opportunities to all students, including students with disabilities
  - Reiterates the requirement to provide FAPE to students with disabilities but encourages flexibility, including computer, internet, phone, or other alternate methodologies (e.g., instructional packets, projects, or written assignments)
  - Recommends that provision of FAPE be consistent with health, safety, and well-being of all parties
  - Provides an overview of federal flexibility regarding special education timelines (aligns with previous ADE/ESS guidance)
Federal Guidance

• Both key guidance documents reiterate the following:

  ➢ “Where, due to the global pandemic and resulting closure of schools, there has been an inevitable delay in providing services – or even making decisions about how to provide services – IEP teams must make an individualized determination whether and to what extent compensatory services may be needed when schools resume normal operation.”

NOTE: While it may be necessary to offer compensatory education for students who were not provided a FAPE consistent with their IEPs, offers of compensatory service are not necessarily “minute for minute.”
What Does This Mean?

- Implement FAPE “to the greatest extent possible” during school closure
- Special education administrators should continue to use their strong skills in being creative, constructive, and collaborative
- Communication with parents is critical
- Keep health and safety of student and teacher in mind when providing FAPE
- Consult legal counsel when needed

NOTE: ADE/ESS will provide as much flexibility as allowable when conducting future Monitoring and Dispute Resolution activities
• **New ADE/ESS COVID-19 Webpage**
  - Federal & local guidance
  - Special educator resources
  - FAQs

• **Weekly “check-in” webinars for special education directors**

• **ESS Inbox** and PEA specialists for questions