



Provision of Special Education Services During School Closures Due to COVID-19

The following document provides information regarding the delivery of special education services in the event of school site closure in response to COVID-19. Many Local Educational Agencies (LEAs) are considering options that include distance learning platforms (such as virtual instruction or independent study) or temporary suspension of all instructional opportunities.

Additional resources are available on our website at <https://charterselpa.org/covid-19/>.

Temporary LEA Closure

If educational opportunities are not being provided to the general student population during an LEA closure, then the LEA does not have an obligation to offer services to students with IEPs. In this scenario, it is recommended that parents of students with IEPs be provided prior written notice (PWN). The PWN shall state that services will not be provided during the timeframe identified for the LEA's closure. The SELPA has provided a sample PWN for LEAs to utilize, located [here](#).

Please Note: Per the CDE Special Education FAQ- "Consistent with Executive Order N-26-20, LEAs are continuing to receive ADA funding during school site closures so they will continue to provide services to all students, including students with disabilities."

Distance Learning (Independent Study, Virtual Instruction, Instructional Packets, etc.)

If an LEA continues to provide educational opportunities to the general student population during a closure, the LEA must ensure that students with disabilities also have equal access to the same opportunities, including the provision of special education and related services.

Prior Written Notice

A change in placement is generally considered to be more than 10 consecutive school days in a different educational setting than identified on the student's IEP. The LEA is responsible for notifying parents/guardians regarding changes in placement. Therefore, the LEA must ensure parents/guardians are provided PWN to reflect this change prior to the 10th day of distance learning. The PWN should describe the LEA's distance learning program and identify the general supports and services available to students with disabilities to ensure access to the LEA's distance learning opportunities. The SELPA has provided a sample PWN for LEAs to utilize, located [here](#).

Amending the IEP

The LEA must demonstrate efforts to offer parents/guardians the opportunity to participate in an IEP meeting, via amendment. The IEP team is responsible for determining what necessary supplementary aids/supports/services the student will require during the school's temporary offer of distance learning.

The LEA must hold an IEP amendment meeting for all of students with IEPs. The IEP team may opt to meet by teleconference or other online platforms. When appropriate, a parent may agree to a written amendment to the IEP in lieu of holding an IEP meeting. In this scenario, the agreement between the LEA and the parent to amend the IEP in writing must be documented in writing, in the text of the amendment.

The IEP team must determine what necessary supplementary aids/supports/services the student will require to access the curriculum during distance learning. Service delivery options may include providing specialized academic instruction and related services:

- Online or virtually
- Instructional phone calls
- Other curriculum-based instructional activities
- School learning centers (individual or small group setting), *contingent upon state or county public health determinations such as whether shelter-in place is in effect*
- At an alternate location (individual or small group setting), *contingent upon state or county public health determinations such as whether shelter-in place is in effect*
- At the student's home, *contingent upon state or county public health determinations such as whether shelter-in place is in effect*

Any changes made to the student's provision of services must be reflected on the Offer of FAPE Services and Offer of FAPE Educational Setting pages of the IEP document. The following table outlines potential changes to be made (underlined below).

Offer of FAPE: Educational Setting
<ul style="list-style-type: none">• District of Service: Name of the LEA• School of Attendance: Name of LEA• Program Setting: (400) Regular Classroom/Public Day School• All Special Education Services provided at the student's school of residence? Check the box "No" and Include rationale.• Percent of time student is in the regular class & nonacademic activities: <u>update to reflect the amount of time the student will be participating in the general education instruction given the changes to the instructional setting.</u>• Activities to support Transition: <u>based on the individual student's needs, determine if any activities to support the student transitioning to/from distance learning will be needed (e.g., student will be taught how to access Google classroom, student will be supported creating google drive documents, etc.) The team should also identify additional technology supports that may be required during the specified timeframe.</u>
Offer of FAPE: Services



- The Service options that were considered by the IEP team (List all): **include a statement regarding the service delivery options discusses and the rationale for the delivery option determined to be appropriate for the student.**
- In selecting LRE, describe the consideration given to any potential harmful effect on the child or on the quality of services that he or she needs: **include the potential negative effects the team discusses, make a statement about whether positive effects of the short-term placement outweigh the potential harmful effects of exposure to COVID-19. If the student is unlikely to be able to access the instructional environment or their offer of FAPE in light of their specific circumstances, the team may include a statement that, once school resumes, the team should consider whether compensatory services are warranted.**
- Supplementary Aids, Services & other Supports: **Review the supplementary aides, services and other supports to reflect what the student needs and will receive while participating in distance learning.**
- Services:
 - **Update the services page to reflect services being provided during distance learning. Note: short-term services must have a beginning and end date. Immediately following the end date for the services provided during distance learning, the student's previous services should resume the following day.**
 - **During the time that the student is participating in distance learning, Do Not Report (DNR) should be marked for the offer of FAPE that is provided during the normal school year.**
 - **The following graphic provides an example of how specialize academic instruction (SAI) could be reflected during distance learning:**

SPECIAL EDUCATION and RELATED SERVICES

Service: <i>Specialized Academic Instruction</i>	Start Date: <u>3/16/2020</u>	End Date: <u>4/15/2020</u>
Provider: <i>District of Service</i>	<input checked="" type="checkbox"/> Ind <input type="checkbox"/> Grp <input type="checkbox"/> Sec Transition	
Duration/Freq: <i>180 min x 1</i> Totaling: <i>180 min served Weekly</i>	Location: <u>Home</u>	
Comments: <u>Student will temporarily receive SAI virtually, while the LEA temporarily operates under an independent study model.</u>		
Service: <i>Specialized Academic Instruction</i>	Start Date: <u>10/10/2019</u>	End Date: <u>3/15/2020</u>
Provider: <i>District of Service</i>	<input checked="" type="checkbox"/> Ind <input type="checkbox"/> Grp <input type="checkbox"/> Sec Transition	
Duration/Freq: <i>180 min x 1</i> Totaling: <i>180 min served Weekly</i>	Location: <u>Regular classroom/public day school</u>	
Comments:		
Service: <i>Specialized Academic Instruction</i>	Start Date: <u>4/16/2020</u>	End Date: <u>10/10/2020</u>
Provider: <i>District of Service</i>	<input checked="" type="checkbox"/> Ind <input type="checkbox"/> Grp <input type="checkbox"/> Sec Transition	
Duration/Freq: <i>180 min x 1</i> Totaling: <i>180 min served Weekly</i>	Location: <u>Regular classroom/public day school</u>	
Comments:		

Programs and services will be provided according to where student is in attendance and consistent with the district of service calendar and scheduled services, excluding holidays, vacations, and non-instructional days unless otherwise specified.

- Provider Agency: (100) District of Service
- Location: **(210) Home- if services are provided in the home or through virtual instruction.**

Please Note:

If the IEP team has obtained consent to the amended IEP reflecting changes to FAPE during distance learning, then the SELPA's sample PWN would not be applicable since the team has already made specific determinations for a student. However, PWN should be provided to reiterate the changes made to the LEA's Offer of FAPE within the amendment.



For guidance related to writing a PWN, including the required components, please refer the EDCOE Charter SELPA's [Prior Written Notice](#) section of the procedural guide.

Non-Public Schools/Agencies (NPS/A)

The CDE has offered the following guidance for LEAs working with NPS/A:

“California NPS/As provide critical programs and related services to students with disabilities. LEAs should work collaboratively with NPS/As to ensure continuity of services, including moving to virtual platforms for service delivery to the extent feasible and appropriate. In an effort to ensure that the full continuum of placements and service delivery options remains available to students and LEAs subsequent to these unprecedented school site closures, CDE encourages LEAs to continue to use the services of NPS/As during school site closures, including distance learning options made available by NPS/As, so that NPS/As may continue to receive payment in accordance with pupils IEPs and the Master Contracts/Individual Service Agreements between LEAs and NPS/As.”

Special Education Timelines

At this time, the federal government has not waived timeline requirements under the IDEA. However, IEP teams are not required to meet *in-person* during school closures. Therefore, LEAs should consider conducting IEP meetings via teleconferencing or other virtual platforms.

Although timeline requirements under the IDEA have not been waived, the Office of Civil Rights (OCR) has determined the following regarding assessments:

“If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student’s parent or legal guardian consents.”

For purposes of monitoring special education timelines and compliance, the CDE will consider the days of school site closure as days between the pupil’s regular school session, similar to school breaks in excess of five instructional days. For annual and triennial IEP reviews that fall on a day when the LEA is closed due to COVID-19, the CDE will take the exceptional circumstances causing the delay into consideration.

If initial, annual, triennial due dates fall within the timeframe that the LEA is closed and the IEP team was unable to meet, the Special Education Information System (SEIS) delay code “75- Temporary School Closure” or code “60- School Emergency” may be applied.

Considerations Following a Temporary School Closure

Once school resumes, the LEA must make every effort to provide special education and related services in accordance with the student’s IEP. In addition, the IEP teams should make an individualized determination as to whether compensatory services are needed to make up for



any skills that may have been lost because of a school closure. IEP teams should also review the student's IEP and determine whether any other changes to the IEP are needed as a result of the extended absence from the school environment, including consideration of Extended School Year as applicable. An IEP team may consider using informal assessment measures to determine whether there have been changes in student performance.

If you have any questions related to temporary school closures or the provision of services for students with IEPs, please do not hesitate to reach out to the LEA's assigned program specialist or the El Dorado County SELPA/Charter SELPA main office at (530) 295-2462

