

Frequently Asked Questions (FAQ) for Parents/Guardians:

Special Education Emergency Contingency Plan

The following document provides information to parents/guardians of students with Individual Education Program (IEP) plans regarding Special Education Emergency Contingency Plans.

1. What is a Special Education Emergency Contingency Plan?

A special education emergency contingency plan is intended to provide documentation of special education and related services while a school is physically closed but continuing to provide instruction in the event of an emergency. While some or all of the information in this document may come from your student's IEP, the Special Education Emergency Contingency Plan is not intended to serve as, or to permanently replace, the most recent agreed upon IEP. Instead, the intent is to document temporary services that will be delivered so that there is clarity for both the parents/guardians and educators during school closures.

2. Why is my child's school adding a Special Education Emergency Contingency Plan to my student's IEP?

In June of 2020, California passed Senate Bill 98 which require an IEP to include a description of how the Individualized Education Program (IEP) will be provided under emergency conditions, when instruction and/or services per the last agreed upon IEP cannot be provided to the student for more than 10 school days.

A Special Education Emergency Contingency Plan can mitigate confusion and prevent delays in services in the event of an emergency.

3. Under what circumstances may the Special Education Contingency Plan Form(s) be utilized?

- The Special Education Contingency Plan form may be utilized to outline what services will be provided in the event that a future school closure occurs in response to an emergency.
- The Special Education Contingency Plan form for multiple scenarios may be utilized while a school is experiencing an extended school closure and has identified various stages (or "phases") of distance learning. The IEP team may choose to determine which services are safe and feasible to provide for each corresponding stage/phase.
- At the discretion of the LEA when deemed appropriate by the IEP team.

4. Is the Special Education Emergency Contingency Plan meant to serve as multiple Offers of FAPE for the parent/guardian to choose between?

No. The Special Education Emergency Contingency Plan is intended to reflect services that are safe and feasible to provide, and the means by which those services will be provided in light of a student's circumstances and the school closure. The Special Education Emergency Contingency Plan is not intended to change a school's current offer of FAPE for a traditional school year. Nor does the plan absolve

the school of their responsibilities under the IDEA. IDEA must be upheld during school closures and LEAs continue to be responsible for convening IEP meetings and ensuring that FAPE is being offered. When a student demonstrates changes in their present levels, IEP teams have an obligation to meet and amend the student's IEP (and/or make changes to the Special Education Emergency Contingency Plan, as needed) to reflect all the student's needs.

5. Is an IEP meeting required to develop the Special Education Emergency Contingency Plan?

When possible, Special Education Emergency Contingency Plans would be drafted as part of a student's annual IEP meeting. However, in circumstances when an annual IEP meeting is not required, the Special Education Emergency Contingency Plan may be attached as an amendment to the student's current IEP. The school must demonstrate efforts to offer parents the opportunity to participate in an IEP meeting. However, consistent with 34 CFR § 300.324 (4)(i) a parent may agree to a written amendment in lieu of holding an IEP meeting. Under this circumstance, the agreement between the school and the parent to amend the IEP in writing (in lieu of meeting) must be documented in the text of the amendment.

6. Who is required to participate in the development of the Special Education Emergency Contingency Plan?

Special education contingency plans should be a part of every student's annual or initial IEP, therefore the plan would be developed with the entire team. Under circumstances where the Special Education Emergency Contingency Plan is being developed as an amendment to a student's current IEP it is suggested that input from relevant IEP team members be included.

If you have any questions regarding Special Education Emergency Contingency Plans or the provision of special education and related services during a school closure please contact the student's special education case manager at their school site, or, the El Dorado Charter SELPA office at (530) 295-2462.