

March 12, 2020

See more recent alert, "U.S. Department of Education Issues Additional Guidance on Timelines Under the IDEA." [Click here](#)

Coronavirus: The Provision of Special Education Services and Mandated School Closings

All students will experience a disruption to their educational program as a result of school closures related to the COVID-19. However, the delivery of instruction through an on-line platform presents specific challenges for school districts relative to the needs of their special education students. The following information is being provided as general guidance to school districts during this challenging time.

IEP Meetings: Annual reviews and standing IEP meetings should occur as previously scheduled via videoconferencing software such as Google Hangout/Meet. Take attendance via a screenshot of the attendance list posted on the screen. Ensure that teachers are available both from any out-of-district schools and in-district schools. Hold meetings outside the time frame scheduled for teachers to deliver instruction. While teachers may be scheduled to teach between 9 a.m. and 1 p.m., contractual hours generally extend through later in the day. Consider designating a “backup” general education teacher who can speak to the general education curriculum of the student’s grade level. Record the start and end times of the meeting; record the times when a particular individual is speaking. In setting the agenda, ensure to advise that no one is to interrupt the speaker and that questions and comments should come at the end of the speaker’s information. The case manager can ask each participant at the end of the speaker’s presentation whether there are questions or comments on the information that was provided. This will prevent individuals from speaking over each other and missing information. Reach out to any out-of-district placements and ask them to provide their materials (PLAAPHs and suggestions for goals and objectives) prior to the meeting. Send IEPs via email; permit consent to occur via electronic signature/notification.

Related Services: Our most recent information from OSEP is that they are not retreating from their prior guidance that related services may not be given via a teleconferencing at this time. As such, related service providers should be giving their students worksheets/exercises that can be performed/practiced in the home. The related service provider can videoconference with parents to ensure consistency of lessons. Lessons should be crafted so as to ensure that a student’s skills are maintained as well as to continue progress on their goals and objectives. The school district should begin considering how to assess students upon their return to school for skill acquisition and recoupment.

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Preschool Students: The youngest and potentially most vulnerable students will require supports throughout this time. Teachers are strongly encouraged to work with and “meet” with parents to discuss lessons that are being provided both via videoconferencing, educational websites and/or distance learning lesson plans as well as monitoring the students. Teachers should be mindful of whether the methodology of delivering on-line instruction for an extended period of time can result in problems for certain students (i.e., such as seizures for medically fragile students or negation of a reinforcer for a student requiring behavioral support).

MD/LLD Classrooms: In addition to the general classroom lessons, teachers of students within self-contained classrooms should consider shortened individual or small group lessons mimicking what is provided within the classroom for students.

Referrals/Requests for Evaluations: If your school district utilizes electronic mail, consider providing your case manager with a response that alerts parents that their referral or request for evaluation or meeting will be considered received by the district not later than the third school day following the re-opening of the district. Be mindful of the requests and the timeframes which are attendant to such requests.

Pending Evaluations: Certainly, providers should attempt to ensure that all pending evaluations are completed as expeditiously as possible. In the event that you have a pending evaluation that hasn't been completed, notify the parent in writing that the evaluation will be completed within the number of days remaining on the original time frame plus some reasonable number of days (i.e., five) so that students have sufficient time to transition back to their regular school setting prior to being subjected to evaluations. This should ease any concerns of invalid testing results due to difficult transitions.

Due Process Petitions: Again, the most recent information that we have is that the State is continuing to process any due process petitions they receive in their normal course. While mediations and meetings may not be able to be held in the school district, our office can assist in ensuring a mutually agreeable space for these meetings.

DISCLAIMER: This Alert is designed to keep you aware of recent developments in the law. It is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of the client.