

## Special Education Reopening Considerations Frequently Asked Questions

The Q & As in this document are not intended to be a replacement for careful study of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations. Schools should consult their legal counsel and special education professionals to create processes that consider individualized, student-specific scenarios. The IDEA, its implementing regulations, and other important documents related to the IDEA can be found at <http://sites.ed.gov/idea>. For more information on the requirements of Section 504 and Title II, and their implementing regulations, please consult <https://www2.ed.gov/policy/rights/guid/ocr/disabilityoverview.html>.

### Students Transferring LEAs:

1. Is the school/LEA the student is transferring from required to complete the evaluation?

No. In the event that a student transfers from one Orleans Parish LEA to another Orleans Parish LEA while an evaluation is in progress, the receiving LEA is responsible for completion of the in-process evaluation in compliance with relevant timelines.

2. What documents and records should the sending school provide to receiving school for students in the evaluation process?

In order to facilitate the timely completion of evaluations for transferring students, the Louisiana Department of Education (LDE) maintains a centralized, state-wide special education data system ("SER"). The system requires all LEAs to record information about the initiation and completion of special education evaluations. Evaluation timeline compliance is tracked through this mechanism and reported to the U.S. Department of Education. SER also provides for LEAs to upload supporting documentation, including detailed information about evaluation processes, and allows receiving LEAs to have access to these records upon enrollment of a student in the LEA. This information must be **timely** entered into SER throughout the evaluation process. It is not appropriate to wait until completion of the evaluation to enter all applicable SER data/documentation. As a general rule, SER data should be entered as soon as practicable, but in no case later than one week after completion of the required evaluation activity. This will assist all LEAs in tracking time-sensitive evaluation status for student transfers.

At minimum, the pre-referral data packet and SAT/SBLC documentation that were gathered and examined to determine need for evaluation should be made available to the receiving school. Where applicable and available, send in-process initial evaluation components, such as:

- Review of cumulative records
- Pertinent reports, including those supplied by parent or outside agency
- Review of interventions that were scientifically researched or evidence-based, implemented with fidelity, and reviewed for lack of adequate progress

- Systematic student observations
- Interviews with student, teacher(s), family, and referral source
- Functional Behavior Assessment and Behavior Intervention Plan

3. What procedures must be followed in SER when a transferring student is in the evaluation process?

**All open initial evaluations must be documented in the SER system.** The following must be entered on the “initial evaluation” tab:

- Permission Requested Date
- Parent Decision
- Decision Start Date

If a student in the evaluation process has transferred to a different LEA, “Unable to Complete Evaluation Process” should be indicated and “Moved Out of LEA or State” should be checked.

Schools should upload the document with signed parental consent to evaluate to the student record in SER.

As indicated above, information must be **timely** entered into SER throughout the evaluation process. It is not appropriate to wait until completion of the evaluation to enter all applicable SER data/documentation. As a general rule, SER data should be entered as soon as practicable, but in no case later than one week after completion of the required evaluation activity. This will assist all LEAs in tracking time-sensitive evaluation status for student transfers.

4. What documents and records should the sending school provide to receiving school for students in the pre-referral stage (SBLC/SATeam)?

**All pre-referral information must be entered into SER –**

The following information must be timely entered into the Pre-Referral Activities\* record in SER:

- Immediate Referral Reason
- SBLC Entry Date
- SBLC Decision (See LDE Bulletin 1508)
  - 1 No further action at this time
  - 3 Individual evaluation
  - 6 Section 504 eligibility evaluation
  - 7 Interventions through RTI Process
  - 8 Pupil appraisal support services
- SBLC Decision Date
- Transition Part C, if applicable

\*To retrieve pre-referral information, when the Pre-Referral Activities link in the student options area is clicked in SER, a listing of the student’s Pre-Referral Activities will be displayed. The Pre-

Referral Activities listing will display the most recent Pre-Referral records first, followed by each preceding Pre-Referral Activities.

5. What are the SIS data requirements as it relates to students with IAPs?

Per LDE Bulletin 741, Accommodation(s) must be entered at the local level and be reflected in your Student Information System (SIS).

6. How long does a sending school have to send records after a receiving LEA has requested them?

Sending LEAs must transfer such records, by mail or otherwise, not later than 10 business days from the date of receipt of a written request from a receiving LEA. Sending LEAs are also responsible for closing services in SER, which should be done promptly at the time of the student's official designated "exit" date. This will allow the receiving LEA to pick up jurisdiction for the child upon enrollment.

La.R.S. 17:211 contains no exception for summer or holidays. By law, the school principal is ultimately responsible for assuring the records transfer within the prescribed period of time.

7. What should occur if the receiving school does not receive the records within 10 business days?

The special education leader should document each effort and, if unsuccessful, forward the record of attempts to the appropriate Director of Accountability at NOLA Public Schools. An interruption in student services resulting from an untimely transmittal of records could result in a need for compensatory services to be provided by the belated LEA.

8. Will the special education director/student support services director be notified if a new student enrolled is a student with a disability?

Upon notification of any new enrollment, the enrolling school ("receiving LEA") should check the LDE's SER system to determine whether the student is currently in-process for evaluation or is receiving special education services.

9. What information should be uploaded to SER prior to closing services?

Where applicable, information such as IEP signature pages, the student's contingency/distance learning plan, Functional Behavior Assessment (FBA), Behavior Intervention Plan (BIP), Communication Plan, Individualized Healthcare Plan (IHP), progress monitoring data, and any other relevant supporting documentation should be uploaded to SER prior to closing services.

## COVID-19 Impact Services and Supports (Compensatory Services):

### 1. What are COVID-19 Impact Services and Supports?

The sudden and unexpected shift to continuous learning may have impacted some of the special education and related services provided to students with disabilities and students with 504 plans. COVID-19 Impact Services and Supports are services offered to students to address progress or skills lost due to the extended school facility closure. These services address the impact school closures had on the student's progress toward goals outlined in the student's IEP or IAP, including any distance learning/individual contingency plan. These services are in addition to the special education and related services necessary to provide students FAPE as documented in the IEP or IAP.

### 2. What obligations do schools authorized by NOLA-PS have to provide impact services and supports when students transfer to another school authorized by NOLA-PS?

If a student transfers from a NOLA-PS school, the receiving LEA's IEP Team, in collaboration with the parent, will review the compensatory services plan, progress monitoring data, and documentation of services received from the sending LEA. The receiving school's IEP Team will determine the appropriate next steps, in collaboration with the parent.

### 3. What steps should be taken when the receiving school determines a discrepancy in the documentation, as it relates to compensatory services?

In an effort to ensure a successful transition for all students with IEPs, all schools must have a clear process by which these decisions are made. Schools must also ensure that documentation of these decisions are available. The two schools should work together to resolve the issue before elevating the concern to the level of a complaint. If the two schools are unable to resolve the dispute, they should contact the appropriate Director of Accountability.

### 4. When should school systems conduct a review for compensatory services?

When the new school year begins, for **each student** with an IEP, the IEP Team must determine whether the student lost progress or skills outlined in the IEP due to extended school facility closure. These are individual determinations for each child with an IEP.

The parent/guardian and the school system may agree not to convene an IEP Team meeting and instead develop a written plan addressing COVID-19 Impact Services and Supports as part of an amendment or modification to the child's current IEP. Accordingly, school systems could begin to reach out to parents now to gather needed information and develop written plans if appropriate and if the parent/guardian agrees.

School systems should consider:

- Review data now, including distance learning data, progress towards IEP goals, related service information, and fourth quarter report cards and progress reports. Additional data, including screening and student observations may be collected, as feasible and appropriate.
- Develop a plan to make a determination for each student with a disability that ensures parents/guardians have opportunities to be actively involved and understand they can request an IEP Team meeting to make this determination.
- Notify those parents/guardians who agree with the LEA's determination without convening the IEP Team in writing. Notifications must include an opportunity for parents to request an IEP team meeting if they disagree with the school system's decision.
- Inform the IEP Team of the plan upon agreement from parents/guardians and, if applicable, develop a plan for the IEP file and document that the student is receiving impact services and supports by referencing the plan on the student's next IEP, as appropriate.
- Begin providing COVID-19 Impact Services and Supports as soon as safely possible but no later than 30 days from the approval of the impact services plan

5. What happens if a parent disagrees with the offer of compensatory services?

School systems should document any disagreement, provide procedural safeguards, hold an IEP meeting, and consider dispute resolution options like mediation or IEP Facilitation.

Note: School Systems can use a similar process for students with Section 504 Plans/IAPs. Ensure reviews for COVID-19 Impact Services and Supports include students who were enrolled in the 2019-2020 school year, but have reached the maximum age of eligibility, or have graduated.

### **Homebound Placements:**

1. What are considerations when determining homebound instruction during COVID-19?

The goal of homebound services are to facilitate students making progress in the general education curriculum who, due to documented illness and medical order, are precluded from attending school. This means the student is unable medically or psychologically to participate – hopefully only temporarily – in the normal day-to-day activities typically expected during school attendance; and, trips from home are infrequent, for periods of relatively short duration, or to receive health care treatment. The student's inability to attend school for medical reasons, both physical and psychiatric, must be certified by a licensed physician, licensed psychologist, or licensed medical psychologist.

In limited circumstances, homebound may be the LRE for a child with a disability. In such cases, as with any significant change in placement, which means moving the student to a more restrictive environment where the student will be in the regular class less than 40 percent of the

day or, for a child age four through five, in the regular early childhood program less than 40 percent of the time a reevaluation must occur.

Reevaluation procedures as detailed in LDE Bulletin 1508-Pupil Appraisal Handbook will be followed.

2. What are next steps if the parent of a general education student submits documentation of a medical condition by a licensed physician, licensed psychologist, or medical psychologist?

Similar to when a parent/guardian requests an individual evaluation for suspicion of a disability, the LEA must have a process to receive the documentation, notify the parent/guardian of next steps with regard to their request, and examine the documentation along with other data in order to determine if there is a need for an evaluation for special education services or if the student requires an evaluation under Section 504. This is typically performed via the Bulletin 1508-mandated SBLC/SAT process.

Local directors/supervisors of special education may approve immediate and provisional eligibility for special education services for students who have documented severe or low incidence impairments, via an "interim IEP". This can occur only after pupil appraisal personnel have reviewed existing student information. Bulletin 1530 has specific and limited criteria for interim IEP eligibility. In addition to consenting to the interim IEP in writing, parents must also provide written consent to an initial Bulletin 1508 evaluation for an interim IEP to go into effect. Parents/guardians of these students shall be informed at the interim IEP Team meeting that the student's continued eligibility for special education and related services is contingent on the student qualifying as exceptional under Bulletin 1508.

3. What are next steps if the parent of a student with a disability submits documentation of a medical condition by a licensed physician, licensed psychologist, or medical psychologist that impacts returning to school and risking possible exposure to COVID-19?

Homebound services are services provided based on a documented medical need that precludes a student's attendance at school during the time of medical treatment. While it is expected that some students with pre-existing conditions may be recommended to remain at home by their physicians as a result of potential COVID-19 exposure, the medical recommendation should be among the various placement options considered by the IEP Team. The IEP Team must consider FAPE as it relates to this request by reviewing current data and service options, including home-based services. The IEP Team shall provide written notice of its decision to the parent, including a clear description of the options considered; options rejected and why; and the rationale for the final decision. If the IEP Team's decision is to provide home-based services, the IEP Team must review the decision at least every grading period (e.g., every nine weeks). Parents should not be pressured into school-based services, but should be made aware of any potential limitations of their preferences on the student's learning, as appropriate. Upon re-entry into the school setting, IEP Teams should review each student's progress toward goals outlined in the student's IEP or

IAP, including any distance learning/individual contingency plan to determine whether the child experienced a loss of skills and/or progress due to the disruption in educational services.

4. How often should IEP teams revisit homebound decisions?

IEP teams should examine data and revisit the need for homebound instruction at least every reporting period. Recurrent requests for homebound instruction may trigger child find or re-evaluation considerations.

5. If school is in session and a parent decides to keep their child home as a precautionary measure due to the COVID-19 pandemic, is the school required to provide homebound services?

A parental decision to keep a student at home for precautionary reasons due to fear about COVID-19 is NOT the same as a request for homebound services. Homebound services are services provided based on a documented medical need that precludes a student's attendance at school during the time of medical treatment. While it is expected that some students with pre-existing conditions may be recommended to remain at home by their physicians as a result of potential COVID-19 exposure, the medical recommendation should be among the various placement options considered by the IEP Team. The IEP Team must consider FAPE as it relates to this request by reviewing current data and service options, including home-based services. The IEP Team shall provide written notice of its decision to the parent, including a clear description of the options considered; options rejected and why; and the rationale for the final decision. If the IEP Team's decision is to provide home-based services, the IEP Team must review the decision at least every grading period (e.g., every nine weeks). Parents should not be pressured into school-based services but should be made aware of any potential limitations of their preferences on the student's learning, as appropriate. Upon re-entry into the school setting, IEP Teams should review each student's progress toward goals outlined in the student's IEP or IAP, including any distance learning/individual contingency plan to determine whether the child experienced a loss of skills and/or progress due to the disruption in educational services.

According to the guidance from the United States Department of Education, Office of Special Education Programs (OSEP), if a school continues to provide instruction to the general school population, but is not able to provide services to a student with a disability in accordance with the student's IEP, the student's IEP Team determines which services can be feasibly provided to appropriately meet the student's needs. It would not be appropriate to categorically drop all accommodations or related services for all students, as it must be an individualized determination. The IEP Team may meet by teleconference or other means (if mutually agreed upon) to determine if some, or all, of the identified services can be feasibly provided through alternate or additional methods. The IEP Team must document the modification through either a distance learning contingency plan or an IEP amendment. The instructional staff, along with technology staff, will need to inform parents how students can access available material and teacher-led instruction.



6. Can a school determine not to provide in person homebound services due to health and safety reasons?

Yes. After review of all available information relevant to the student's specific situation, the LEA may determine that in-person services are at present a threat to the health or safety of the student or services staff. Relevant information includes, but is not limited to, current federal, state, and local guidance and directives regarding pandemic-related safety measures; Governor Edwards' orders or proclamations pertaining to schools, social distancing, and other COVID-19-related issues; student health information; and the nature, duration, and severity of the risk to health or safety. LEAs should engage in periodic reviews, in light of changing circumstances, including the student's circumstances and COVID-19-related guidance/orders. The reviews should occur at least every grading period (e.g., every nine weeks).

7. What should we consider if a student with a disability tests positive for COVID-19 and is removed from the school setting?

If the exclusion is a temporary emergency measure (generally 10 consecutive school days or less), the provision of services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available, is not considered a change in placement. During this time period, a child's parent or other IEP team member may request an IEP meeting to discuss the potential need for services if the exclusion is likely to be of long duration (generally more than 10 consecutive school days). For long-term exclusions, an LEA must consider placement decisions under the IDEA's procedural protections of 34 CFR §§ 300.115 – 300.116, regarding the continuum of alternative placements and the determination of placements.

Under 34 CFR § 300.116, a change in placement decision must be made by a group of persons, including the parents and other persons knowledgeable about the child and the placement options. If it is determined that the child meets established high-risk criteria and, due to safety and health concerns, the child's needs could be met through homebound instruction, then under 34 CFR §300.503(a)(1), the public agency must issue a prior written notice proposing the change in placement. A parent who disagrees with this prior written notice retains all of the due process rights included in 34 CFR §§ 300.500-300.520.

For children with disabilities protected by Section 504 who are dismissed from school during an outbreak of COVID-19 because they are at high risk for health complications, compliance with the procedures described above and completion of any necessary evaluations of the child satisfy the evaluation, placement and procedural requirements of 34 CFR §§ 104.35 and 104.36. The decision to dismiss a child based on his or her high risk for medical complications must be based on the individual needs of the child and not on perceptions of the child's needs based merely on stereotypes or generalizations regarding his or her disability.

Upon re-entry, the IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be



required to make an individualized determination as to whether COVID-19 Impact Services and Supports are needed under applicable standards and requirements.

If appropriate, COVID-19 Impact Services and Supports could be provided in a number of ways, such as providing extended school year services, extending the school day, providing tutoring before and after school, or providing additional services during regular school hours. All such services and supports must be directly linked to the denial of educational benefit, including any decline in the student's skills that occurred as a result of a student not receiving services during a COVID-19 outbreak.

Any services and supports provided must be documented for each individual student.

### **Discipline Considerations:**

#### 1. How can schools support students who violate health and safety routines?

New guidelines for health and safety during COVID-19 are marked changes for students and adults. Students will need developmentally appropriate instructions regarding any new routines such as frequent handwashing, social distancing, and wearing of PPE. To make these new changes routine, students will also need frequent practice, modeling, feedback, and reinforcement of skills depending upon age and developmental needs. In addition, non-exclusionary supports such as immediate corrective feedback, reinforcement systems, specific reinforcement of skills, social stories, visual aids/schedules, positive peer support should be primary considerations.

#### 2. Can students with disabilities be suspended for behavioral infractions related to violations of COVID-19 safety rules (such as refusal to wear masks, not maintaining appropriate social distancing, etc.)?

Disciplinary actions give students with disabilities extra legal protections when the discipline constitutes a change in placement. If a student violates the Student Code of Conduct, before consequences or punishment are imposed, the principal/designee must consider whether the student:

- Has an IDEA or Section 504 disability; or
- Is a student who is "thought to have a disability."

While all students may be disciplined, the placement of students with disabilities cannot be "changed" when the offense is directly related to his/her disability or when the IEP or Section 504 plan is not implemented, *except in the case of emergency circumstances (drugs, weapons, significant bodily injury)*. Refer to NOLA Public Schools' Discipline Policy & Procedures for Students with Disabilities for more specific discipline guidance, and NOLA-PS and/or LDE COVID-19 guidance as it relates to social distancing and face covering exemptions.

Note: Changes to discipline policies and procedures for students with disabilities in charter schools authorized by NOLA-PS must be submitted to the NOLA-PS and the Independent Monitor, under the SPLC consent judgment, for approval.

3. Can a student be placed in a more restrictive setting due to violations of COVID-19 safety rules?

All decisions regarding student placement and services must be individually determined by the IEP Team. Placement decisions must be based on individual student need as determined through a review of the student's educational data. The IEP must reflect the educational needs of the student. A contingency plan can be developed to address the barriers posed during COVID-19 restrictions, but the virus is not the data upon which placement and services must be determined. No student should be placed in a more restrictive setting based solely on COVID-19. At all times, multi-source data must be used for IEP Team decision-making.

### **Contracted Related Service Providers, Private Service Providers, and Specialized Transportation:**

Per NOLA-PS COVID-19 Operational Standards, clinical and other key providers may pull students out of classrooms for therapy needs. The provider is required to use face coverings and clean shared surfaces and equipment before the next student is served.

Schools should ensure they are limiting the interactions of students during class transitions such as; one-way flow hallways, clearly defined space for two-way direction of student flow in hallways or create staggered class changes to decrease number of students in the hallway at one time.

Static groupings must be maintained, or in groups with changing composition, providers must ensure they are maintaining 6 feet of social distance and cleaning shared surfaces before a new group of students can enter a space.

1. If my child receives special services at school (i.e. speech, occupational therapy, physical therapy, school psychological services, counseling services, health services, orientation and mobility, special transportation, and 1:1 Paraprofessional support) will they still receive them in school? What if we opt for distance learning?

The school system will ensure all students with disabilities receive instruction and related services and have access to devices that meet their unique needs" is a priority identified in the LDE Strong Start 2020 School Reopening Guidelines and Resources document.

If school facilities are closed to prevent the spread of COVID-19, the wellbeing of students, teachers, and staff remain top priority. However, school systems must continue to provide a free

and appropriate public education (FAPE) consistent with the need to protect the health and safety of students with disabilities and those individuals providing education, specialized instruction, and related services to these students. LEAs are required to provide the services and accommodations needed for students with disabilities to have an equal opportunity to participate and access FAPE. LEAs should consider the accommodations (e.g., educational materials in accessible formats or through the use of auxiliary aids and services) that must be provided in order for a student with a disability to have an equal opportunity to participate in a distance learning program.

According to the guidance from the United States Department of Education, Office of Special Education Programs (OSEP), if a school continues to provide instruction to the general school population, but is not able to provide services to a student with a disability in accordance with the student's IEP, the student's IEP Team determines which services can be feasibly provided to appropriately meet the student's needs. It would not be appropriate to categorically drop all accommodations or related services for all students, as it must be an individualized determination. The IEP Team may meet by teleconference or other means (if mutually agreed upon) to determine if some, or all, of the identified services can be feasibly provided through alternate or additional methods. The IEP Team must document the modification through either a distance learning contingency plan or an IEP amendment. The instructional staff, along with technology staff, will need to inform parents how students can access available material and teacher-led instruction.

A parental decision to keep a student at home for precautionary reasons due to fear about COVID-19 is NOT the same as a request for homebound services. Homebound services are services provided based on a documented medical need that precludes a student's attendance at school during the time of medical treatment. While it is expected that some students with pre-existing conditions may be recommended to remain at home by their physicians as a result of potential COVID-19 exposure, the medical recommendation should be among the various placement options considered by the IEP Team. The IEP Team must consider FAPE as it relates to this request by reviewing current data and service options, including home-based services. The IEP Team shall provide written notice of its decision to the parent, including a clear description of the options considered; options rejected and why; and the rationale for the final decision. If the IEP Team's decision is to provide home-based services, the IEP Team must review the decision at least every grading period (e.g., every nine weeks). Parents should not be pressured into school-based services, but should be made aware of any potential limitations of their preferences on the student's learning, as appropriate. Upon re-entry into the school setting, IEP Teams should review each student's progress toward goals outlined in the student's IEP or IAP, including any distance learning/individual contingency plan to determine whether the child experienced a loss of skills and/or progress due to the disruption in educational services.

## Special Considerations for Re-entry for Students with Disabilities:

### 1. What face covering options exist for students with disabilities?

New guidelines for health and safety during COVID-19 are marked changes for students and adults. Students will need developmentally appropriate instructions regarding any new routines such as frequent handwashing, social distancing, and wearing of PPE. To make these new changes routine, students will also need frequent practice, modeling, feedback, and reinforcement of skills depending upon age and developmental needs. In addition, non-exclusionary supports such as immediate corrective feedback, reinforcement systems, specific reinforcement of skills, social stories, visual aids/schedules, positive peer support should be primary considerations.

Based on the student's medical, physical, or emotional needs there are several factors that teams need to consider when determining face covering options. Some individuals with developmental disabilities, sensory integration concerns or tactile sensitivities, certain mental health conditions, or limited cognitive ability may have a negative reaction to wearing a cloth face covering. While cloth face coverings are a critical preventive measure and are most essential in times when social distancing is difficult, individual student factors may need to be considered on a case by case basis.

Per CDC guidance, "Individuals who are deaf or hard of hearing—or those who care for or interact with a person who is hearing impaired— may be unable to wear cloth face coverings if they rely on lip reading to communicate. In this situation, consider using a clear face covering. If a clear face covering isn't available, consider whether you can use written communication, use closed captioning, or decrease background noise to make communication possible while wearing a cloth face covering that blocks your lips."

It is not known if face shields provide any benefit as source control to protect others from the spray of respiratory particles. CDC does not recommend use of face shields for normal everyday activities or as a substitute for cloth face coverings. Some people may choose to use a face shield when sustained close contact with other people is expected. If face shields are used without a mask, they should wrap around the sides of the wearer's face and extend to below the chin. Disposable face shields should only be worn for a single use. Reusable face shields should be cleaned and disinfected after each use.

School Building Level Committees (SBLC) or Student Assistance Teams (SAT) should meet to make individual determinations, as it relates to face coverings, based on a thorough review of the data for each student, including the needs identified in their IEP or IAP. Again, SBLC or SAT may determine the need for additional non-exclusionary interventions to support effective face covering wearing.

## Distance Learning Considerations:

1. What are considerations for providing special education services while schools are not open for in-person instruction but offering distance learning?

“The school system will ensure all students with disabilities receive instruction and related services and have access to devices that meet their unique needs” is a priority identified in the LDE Strong Start 2020 School Reopening Guidelines and Resources document.

If school facilities are not open for in-person instruction to prevent the spread of COVID-19, the wellbeing of students, teachers, and staff remain top priority. However, school systems must continue to provide a free and appropriate public education (FAPE) consistent with the need to protect the health and safety of students with disabilities and those individuals providing education, specialized instruction, and related services to these students. LEAs are required to provide the services and accommodations needed for students with disabilities to have an equal opportunity to participate and access FAPE. LEAs should consider the accommodations (e.g., educational materials in accessible formats or through the use of auxiliary aids and services) that must be provided in order for a student with a disability to have an equal opportunity to participate in a distance learning program.

According to the guidance from the United States Department of Education, Office of Special Education Programs (OSEP), if a school continues to provide instruction to the general school population, but is not able to provide services to a student with a disability in accordance with the student’s IEP, the student’s IEP Team determines which services can be feasibly provided to appropriately meet the student’s needs. It would not be appropriate to categorically drop all accommodations or related services for all students, as it must be an individualized determination. The IEP Team may meet by teleconference or other means (if mutually agreed upon) to determine if some, or all, of the identified services can be feasibly provided through alternate or additional methods. The IEP Team must document the modification through either a distance learning contingency plan or an IEP amendment. The instructional staff, along with technology staff, will need to inform parents how students can access available material and teacher-led instruction. IEP Teams will need to develop a contingency plan or distance learning plan that outlines the supports to be provided during distance learning. The plan should include how services provided will be documented for each individual student and identify how and how often communication will occur with parents, as it relates to each child’s IEP services.

Upon re-entry into the traditional school setting, IEP Teams should review each student’s progress toward goals outlined in the student’s IEP or IAP, including any distance learning/individual contingency plans to determine whether the child experienced a loss of skills and/or progress due to the disruption in educational services.

2. During times that schools will not be open for in-person instruction, but all are offering distance learning, how might educational services be provided to students with disabilities?

As part of their COVID-19 planning, LEAs must consider ways of ensuring that continuing education activities (i.e., services provided during a school closure) are accessible to students with disabilities. Technology provides unprecedented opportunities for all students, including students with disabilities, to have access to high-quality educational instruction during a COVID-19 outbreak, especially when continuing education must be provided through distance learning. LEAs should consider the accommodations (e.g., educational materials in accessible formats or through the use of auxiliary aids and services) that must be provided in order for a student with a disability to have an equal opportunity to participate in a distance learning program.

3. Would an LEA be required to conduct a re-evaluation evaluation of a student with a disability while schools are not open for in-person instruction but offering distance learning?

Schools should review all evaluation timelines and data to ensure they are making the appropriate decisions for all students with disabilities. Re-evaluations that do not require face-to-face assessments or observations may take place during distance learning, if the parent consents. These same principles apply to similar activities conducted by appropriate personnel for a student with a disability who has a plan developed under Section 504.

4. If schools are not open for in-person instruction, how should progress reports be disseminated to parents?

Schools should use the same dissemination method as school report cards, unless school teams determine a more appropriate alternative.

5. In the event that a school is not open for in-person instruction, would an IEP team be required to meet?

When conducting IEP team meetings and placement meetings pursuant to Sections 614, 615(e), and 615(f)(1)(B), and carrying out administrative matters under Section 615 (such as scheduling, exchange of witness lists and status conferences), the parent of a child with a disability and an LEA may agree to use alternative means of meeting participation, such as video conferences and conference calls. [614(f)] IEP teams would not be required to meet in person during distance learning; however, IEP Teams must continue to work with parents and students with disabilities during distance learning, including conducting informal assessments (e.g., assessments developed by a student's teacher) or formal assessments of the student, including parent surveys and standardized reports, and offer advice, as needed.

6. Would an LEA be required to conduct an evaluation of a student with a disability?

If an evaluation of a student with a disability requires a face-to-face meeting or observation that is unable to be completed through the distance learning platform, a parental extension may be requested until school reopens for in-person instruction. Evaluations and reevaluations that do not require face-to-face assessments or observations may take place during distance

learning, if the parent consents. These same principles apply to similar activities conducted by appropriate personnel for a student with a disability who has a plan developed under Section 504.

#### References:

- [NOLA-PS Roadmap to Reopening Schools](#)
- [Strong Start Compensatory Services Guidance](#)
- [SER User Guide](#)
- [OCR and OSERS March 21, 2020 Guidance](#)
- [LDE Bulletins 1508, 1706, 1530, 741](#)
- [Considerations for Wearing Cloth Face Coverings](#)