

TFSD #411 Operational COVID Protocol

Draft 7-13-2020

Levels of Operation

Twin Falls School District #411 will operate under one of the following designations as long as Coronavirus is a concern in our community. The designation will be determined by the level of community spread in coordination with the South Central Public Health District (SCPHD). Any change in level will be announced with as much preparation time for parents, students, and staff as is possible with safety being the highest priority.

Green: Traditional Schedule (No Community Spread)

- 1. Cleaning/disinfection-plan approved by SCPHD (<u>see Maintenance- Cleaning/ Disinfection section</u>)
- Encourage parents to screen students every morning before attending school and keep symptomatic students home https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html
- 3. Plan for vulnerable students/staff
 - a. Staff: FMLA and FFCRA guidelines
 - Students: K-8 Online options--<u>Virtual schoolhouse</u>
 High School Online Option--IDLA--See your counselor
 - c. Protocols for social distancing
 - d. Maintain social distancing as much as possible
 - i. Discuss social distancing with students and teach and reinforce hand hygiene and respiratory etiquette
 - ii. Limit classroom activities that don't allow for 6 feet of distance between students as much as possible
 - iii. Limit/avoid mixing of student groups to reduce potential exposure Examples:
 - 1. Lunch schedule
 - 2. Drop off and pick up
 - 3. Library usage
 - 4. Release times (including passing times)
 - iv. Separate desks/tables in the classroom as much as possible
 - v. Limit/avoid activities with large gatherings where social distancing cannot be maintained
- 4. Face coverings recommended for employees and students in cases where social distancing is not possible
- 5. Staff will limit visitors/volunteers from non-school related persons-require face covering for all visitors in cases where social distancing cannot be maintained
- 6. Sick or symptomatic staff and students (Separation and/or sent/stay home criteria) will not be allowed at school until return to school status (Return to School) is met. Each site must have a plan in place to allow for the immediate

- separation of students/staff who present COVID-19 symptoms at school in a designated "health room" until arrangements are made for the person to be picked up
- 7. An off-site education delivery plan will be available in the event students remain home for extended periods of time and/or schools are closed
- 8. Post signs in highly visible locations (school entrances, bathrooms, etc.) that promote everyday protective measures. Signs from the CDC can be found here: CDC Coronavirus Print Resources
- 9. Ensure policies and practices don't encourage students/staff to come to school sick

Yellow: Enhanced Traditional (Minimal Community/School Spread)

- Cleaning/disinfection-plan approved by SCPHD (<u>Maintenance- Cleaning/Disinfection section</u>)
- 2. Encourage parents to screen students every morning before attending school and keep symptomatic students home https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html
- 3. Plan for vulnerable students/staff
 - a. Staff: FMLA and FFCRA guidelines
 - b. Students: K-8 Online options--<u>Virtual schoolhouse</u>
 High School Online Option--IDLA--See your counselor
- 4. Protocols for social distancing
 - Maintain social distancing as much as possible--as close to 6 feet of separation as possible
 - i. Discuss/monitor social distancing with students and teach and reinforce hand hygiene and respiratory etiquette
 - ii. Restrict classroom activities not considered essential that don't allow for 6 feet of distance between students as much as possible
 - iii. Restrict mixing of student groups to reduce potential exposure Examples:
 - 1. Lunch schedule
 - 2. Drop off and pick up
 - 3. Library usage
 - 4. Release times (including passing times)
 - iv. Separate desks/tables in the classroom and face students in the same direction as much as possible
 - v. Restrict activities not considered essential with large gatherings where social distancing cannot be maintained
- 5. At minimum, face coverings are highly recommended for students in situations where social distancing can't be maintained and required for staff when social distancing can't be maintained. Instructional staff may require face coverings in the classroom based on the appropriateness for the grade level and/or activity.

Considerations will be made for staff and students who provide documentation from a physician stating that the wearing of a face covering is a health risk for that individual. Masks will be provided in every classroom (students and staff are encouraged to utilize their own) and face shields will be available based on request and availability.

- 6. Restrict visitors/volunteers to essential individuals-All visitors/volunteers must have prior approval from the school administration or designee and are required to wear a face covering at all times.
- 7. Sick or symptomatic staff and students (Separation and/or sent/stay home criteria) will not be allowed at school until return to school status (see Return to School) is met. Each site must have a plan in place to allow for the immediate separation of students/staff who present COVID-19 symptoms at school in a designated "health room" until arrangements are made for the person to be picked up
- 8. An off-site education delivery plan will be available in the event students remain home for extended periods of time and/or schools are closed
- Signs will be posted in highly visible locations (school entrances, bathrooms, etc.) that promote everyday protective measures. Signs from the CDC can be found at: <u>CDC Coronavirus Print Resources</u>
- 10. Ensure policies and practices don't encourage students/staff to come to school sick

Orange: Modified Schedule (Moderate Community/School Spread)

- Cleaning/disinfection-plan approved by SCPHD (see Maintenance- Cleaning/ Disinfection section)
- 2. Encourage parents to screen students every morning before attending school and keep symptomatic students home https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html
- 3. Plan for vulnerable students/staff
 - a. Staff: FMLA and FFCRA guidelines
 - b. Students: K-8 Online options--<u>Virtual schoolhouse</u>
 High School Online Option--IDLA--See your counselor
- 4. School schedule designed to limit contact by reducing the number of students in the building at any one time.
 - a. Elementary
 - b. Secondary

Students whose last names begin with A-K will be the A group. Students whose last names begin with L-Z will be the B group.

Administrators will work with blended families with different last names to keep family members on a common schedule.

- 5. Protocols for social distancing
 - a. Maintain social distancing--6 feet of separation
 - i. Discuss/monitor social distancing with students and teach and reinforce hand hygiene and respiratory etiquette
 - ii. Restrict classroom activities not considered essential that don't allow for 6 feet of distance between students as much as possible
 - iii. Restrict mixing of student groups to reduce potential exposure Examples:
 - 1. Lunch schedule
 - 2. Drop off and pick up
 - 3. Library usage
 - 4. Release times (including passing times)
 - iv. Separate desks/tables in the classroom to maintain 6 feet and face all students the same direction
 - v. No large group activities where social distancing cannot be maintained.
- 6. At minimum, face coverings are highly recommended for students in situations where social distancing can't be maintained and required for staff when social distancing can't be maintained. Instructional staff may require face coverings in the classroom based on the appropriateness for the grade level and/or activity. Considerations will be made for staff and students who provide documentation from a physician stating that the wearing of a face covering is a health risk for that individual. Masks will be provided in every classroom (students and staff are encouraged to utilize their own) and face shields will be available based on request and availability.
- 7. No visitors/volunteers allowed unless it is determined to be critically necessary by school administration. All admitted visitors/volunteers must have prior approval from the school administration or designee and are required to wear a face covering at all times.
- 8. Sick or symptomatic staff and students (Separation and/or sent/stay home criteria) will not be allowed at school until return to school status (see Return to School) is met. Each site must have a plan in place to allow for the immediate separation of students/staff who present COVID-19 symptoms at school in a designated "health room" until arrangements are made for the person to be picked up
- 9. An off-site education delivery plan will be available in the event students remain home for extended periods of time and/or schools are closed
- 10. Signs will be posted in highly visible locations (school entrances, bathrooms, etc.) that promote everyday protective measures. Signs from the CDC can be found at: <u>CDC Coronavirus Print Resources</u>

- 11. Ensure policies and practices don't encourage students/staff to come to school sick
- 12. School Safety protocols
 - a. Elementary Protocols
 - b. Secondary Protocols
 - c. Special Education Protocols

Red: Full Distance Schedule (Substantial Community/School Spread)

- 1. Fully remote learning utilizing distance learning delivery strategies
- 2. No in-person school related activities (including extracurricular) allowed
- 3. A decision about staff work schedule (home vs school/office) will be made based on factors such as stay at home orders, etc.
- 4. School Safety protocols
 - a. Elementary Protocols
 - b. Secondary Protocols
 - c. Special Education Protocols



Confirmed COVID Case Protocols

Regardless of the level, the following outlines how the TFSD will respond to a confirmed case(s) of COVID-19 in a school or schools.

1. Confirmed related case(s) in a school (same group of students)

- a. Utilize communication plan
- b. Notify parents and staff of minimal, moderate, or high exposure while ensuring HIPAA compliance
- Potential closure of individual school or classroom (including all in-person activities) for up to 5 days in coordination with SCPHD and on a case by case basis
- d. Contact trace students/staff using the <u>exposure checklist</u> to identify students and staff with minimal, moderate, and high exposure. Those with close contact (high exposure) will be highly recommended to quarantine for 14 days (staff will be required to quarantine). This includes close contacts who may be in other schools. The CDC defines close contact as a person that has been within 6 feet of the infected person for a prolonged period of time (about 15 minutes) within two days of the onset of symptoms. Wearing a face covering while within 6 feet does not eliminate consideration as a close contact.
- e. Deep cleaning of the school

2. Two or more unrelated cases in the same period of time

- a. Utilize communication plan
- b. Notify parents and staff of minimal, moderate, or high exposure while ensuring HIPAA compliance
- Potential indefinite closure of school building or classroom (including all in-person activities)-no new cases for up to 15 days in coordination with SCPHD and on a case by case basis
- d. Contact trace students/staff using the <u>exposure checklist</u> to identify students and staff with minimal, moderate, and high exposure. Those with close contact (high exposure) will be highly recommended to quarantine for 14 days (staff will be required to quarantine). This includes close contacts who may be in other schools. The CDC defines close contact as a person that has been within 6 feet of the infected person for a prolonged period of time (about 15 minutes) within two days of the onset of symptoms. Wearing a face covering while within 6 feet does not eliminate consideration as a close contact.
- e. Deep cleaning of the school

3. Multiple cases in several schools with significant number of contacts

- a. Utilize communication plan
- b. Notify parents and staff of minimal, moderate, or high exposure while ensuring HIPAA compliance

- Potential indefinite closure of district or school (including all in-person activities)-no new cases for up to 15 days in coordination with SCPHD and on a case by case basis
- d. Contact trace students/staff using the exposure checklist to identify students and staff with minimal, moderate, and high exposure. Those with close contact (high exposure) will be highly recommended to quarantine for 14 days (staff will be required to quarantine). This includes close contacts who may be in other schools. The CDC defines close contact as a person that has been within 6 feet of the infected person for a prolonged period of time (about 15 minutes) within two days of the onset of symptoms. Wearing a face covering while within 6 feet does not eliminate consideration as a close contact.
- e. Deep cleaning of facilities

What increases the chance of school closures?

- Experiencing a positive case or cluster of cases where physical distancing strategies are not in place, or
- 2. Experiencing a positive case or cluster of cases where students and staff do not consistently wear face coverings
- 3. Not cleaning and disinfecting appropriately
- 4. Not washing and/or sanitizing hands frequently
- 5. Not limiting the mixing of students
- 6. Holding mass gatherings, especially with attendees outside of your local community
- 7. Sick staff and/or students on campus when symptomatic
- 8. Rapid rise in positive cases in the local community that meet or exceed hospital capacity to manage

Separation and/or sent/stay home criteria

- Students who exhibit the listed symptoms will not be allowed in school. Should the symptoms develop at school, the student will be isolated until he or she can be picked up.
 - a. Fever
 - b. A cough or shortness of breath or difficulty breathing
 - c. Two or more of the following:
 - i. Chills
 - ii. Repeated shaking with chills
 - iii. Muscle pain
 - iv. Headache
 - v. Sore throat
 - vi. New loss of taste or smell
- 2. Students will not be allowed to return to school until:
 - a. The student is cleared to return to school by the student's physician, or

b. It has been 10 calendar days since symptoms first appeared with 3 days of no fever and/or use of fever reducing medication and 3 days of symptom improvement.

Return to School (Staff and Students)-Confirmed Case of COVID-19

- 1. Follow guidance from SCPHD. All surveillance of positive cases or probable cases will be done by the Health Department and they will provide guidance. Presently, the standards for returning are:
 - a. If student/staff member tested positive or was presumed positive for COVID-19 *and had symptoms*, they can return to school after:
 - i. It has been 10 days since symptoms first appeared
 - ii. 3 days with no fever and/or use of fever reducing medication
 - iii. 3 days of symptom improvement
 - b. If a student/staff member tested positive for COVID-19 *but did not have symptoms*, they can return to school after:
 - i. 10 days have passed since the test date
 - ii. No symptoms within those 10 days
 - c. If a student/staff member has had close contact (high exposure) with a person that has COVID-19, they should:
 - Stay home 14 days after the date of last contact and monitor for symptoms



Maintenance--Cleaning/Disinfection (Approved by SCPHD)

- 1. Cleaning Throughout the Day
 - a. Check all soap dispensers to make sure they are supplied with soap.
 - b. Check paper towel dispensers throughout the day to make sure they are adequately supplied
 - c. Check all hand sanitizer dispensers in hallways and classrooms to make sure they are supplied with hand sanitizer
 - d. Wipe down door handles and vending machines as much as possible with disinfectant
- 2. Daily Cleaning Classroom
 - a. Empty all trash and replace liners as needed
 - b. Clean whiteboards (Use proper whiteboard cleaner)
 - c. Disinfect sinks, countertops, and all hard surfaces. (approved disinfectant)
 - d. Teachers and staff wipe down hard surfaces, manipulatives, supplies, etc. throughout the day with disinfectant. Limit shared items that may be difficult to clean or disinfect.
- 3. Daily Cleaning Restrooms
 - a. Clean toilets and urinals with toilet bowl cleaner. (nightly)
 - b. Clean and disinfect sinks, walls behind sinks, and stall doors. (nightly)
 - c. Sweep and mop with disinfectant. (nightly)
 - d. Clean all mirrors with window cleaner. (nightly)
- 4. Daily Cleaning Hallways
 - a. Clean and disinfect all entryway doors, door hardware, and door glass, as well as all hard surfaces in that area. (nightly)
 - b. Clean and disinfect all hallway surfaces with disinfectant. (nightly)
 - c. Sweep or vacuum hallways. (nightly)
 - d. Clean, polish, and disinfect drinking fountains. (nightly)
 - e. Wet mop hallways. (nightly with disinfectant)
- 5. Daily Cleaning Weight Room
 - a. Wipe down all equipment after it is used by an individual with disinfectant.
 - b. Clean and disinfect weight room and all equipment each evening
- 6. Daily Cleaning Gym and Locker Rooms
 - a. Gym floors and all hard surfaces will be disinfected at least nightly. Disinfectants will be available to the teacher to wipe down hard surfaces and equipment throughout the day.
 - b. Locker rooms will be cleaned and sanitized each evening and on weekends after use. Floors will be mopped and sanitized nightly.

- 7. Daily Cleaning Computer labs
 - a. Keyboard and mouse will be wiped down with sanitizer after each use.

*In the case of a confirmed case, impacted school/classroom/area will receive a deep cleaning and be sanitized. The impacted school/area will be allowed to sit for 24 hours per CDC recommendations before this process begins.

Health Protocols

- Per CDC recommendation
 - a. Educate staff and families about when they/their child(ren) should stay home and when they can return to school.
 - b. Teach and reinforce handwashing with soap and water for at least 20 seconds.
 - c. Encourage staff and students to cover coughs and sneezes with a tissue. Used tissues should be thrown in trash and hands washed immediately.
 - d. Establish an isolation room in each building.
 - i. Procedures for Isolation Room

Food Service

- 1. Cafeteria:
 - Regular hot menu served in the cafeteria
 - b. Lunch time staggered to reduce occupants in the cafeteria
 - c. Offer options to eat outside and in other locations to maintain social distancing
 - d. Hand sanitizer at start of all serving lines
 - e. Self-service of items of pre-packaged items only
 - f. Food Service procedures
 - i. No student servers
 - ii. Masks and gloves will be worn by all food personnel
 - iii. Clean and sanitize between lines
 - iv. Plexiglass at cashier stations
 - v. Elementary Student list will be used for point of service.
 - vi. Secondary Students will use number or name at point of service
 - vii. Two lines at middle and HS locations
 - viii. No Bar lines
 - ix. Transport containers and/or sacks will be used for all meals (disposable)
- 2. Schools will need to do the following
 - a. Develop staggered schedules in order to meet social distancing guidelines
 - b. Select outside and alternate locations for students to eat when cafeteria seating is not available

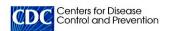
Transportation

- 1. All buses will be sanitized by an approved disinfectant provided by Mid-Columbia Bus Company.
 - a. Prior to students riding the bus
 - b. After each group of students ride the bus
- 2. All students will be required to wear a face covering while riding on the bus. Students will be asked to provide a personal face covering, however, a supply of face coverings will be on each bus for those students who do not have one. Exceptions to wearing face coverings are granted only if an IEP team or health plan is developed stating otherwise.
- 3. Students will be asked to sit one to a seat when possible. No more than two students to a seat for secondary students and no more than three for elementary students.
- 4. Students will fill the bus from back to front and unload front to back when possible (when picking up at schools in big groups and for delivery of bus loads to school).



Elementary, Middle, and High School Orange Modified Day Schedule

Orange Hybrid Schedule							
	Monday	Tuesday	Wednesday	Thursday	Friday		
Elementary K - 5th	A-Day and B-Day Students will Attend Alternating	A-Day Students in School B-Day	B-Day Students in School A-Day	A-Day Students in School B-Day	B-Day Students in School A-Day		
	Mondays 8-11:30 and will have distance learning alternating	Students Distance Learning and packets					
Secondary 6-12	All Secondary Students Working Online	A-Day Students in School & B-Day Students Working Online	B-Day Students in School & A-Day Students Working Online	A-Day Students in School & B-Day Students Working Online	B-Day Students in School & A-Day Students Working Online		



Coronavirus Disease 2019 (COVID-19)

Symptoms of Coronavirus

Updated May 13, 2020

Print

What you need to know

- · Anyone can have mild to severe symptoms.
- Older adults and people who have severe underlying medical conditions like heart or lung disease or diabetes seem
 to be at higher risk for developing more serious complications from COVID-19 illness.

Watch for symptoms

People with COVID-19 have had a wide range of symptoms reported – ranging from mild symptoms to severe illness. Symptoms may appear **2-14 days after exposure to the virus.** People with these symptoms may have COVID-19:

- · Fever or chills
- Cough
- · Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- · New loss of taste or smell
- Sore throat
- · Congestion or runny nose
- · Nausea or vomiting
- Diarrhea

This list does not include all possible symptoms. CDC will continue to update this list as we learn more about COVID-19.



Self-Checker

A guide to help you make decisions and seek appropriate medical care.

When to Seek Emergency Medical Attention

Look for **emergency warning signs*** for COVID-19. If someone is showing any of these signs, **seek emergency medical care immediately:**

- Trouble breathing
- Persistent pain or pressure in the chest
- New confusion
- · Inability to wake or stay awake
- · Bluish lips or face

*This list is not all possible symptoms. Please call your medical provider for any other symptoms that are severe or concerning to you.

Call 911 or call ahead to your local emergency facility: Notify the operator that you are seeking care for someone who has or may have COVID-19.

Caring for yourself or others

- · How to protect yourself
- · How to care for someone who is sick
- · What to do if you are sick

What is the difference between Influenza (Flu) and COVID-19?

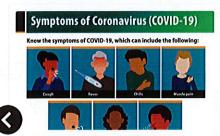
Influenza (Flu) and COVID-19 are both contagious respiratory illnesses, but they are caused by different viruses. COVID-19 is caused by infection with a new coronavirus (called SARS-CoV-2) and flu is caused by infection with influenza viruses. Because some of the symptoms of flu and COVID-19 are similar, it may be hard to tell the difference between them based on symptoms alone, and testing may be needed to help confirm a diagnosis. Flu and COVID-19 share many characteristics, but there are some key differences between the two.

While more is learned every day, there is still a lot that is unknown about COVID-19 and the virus that causes it. This table compares COVID-19 and flu, given the best available information to date.

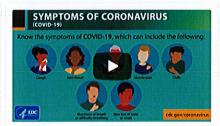
To learn more about COVID-19, visit Coronavirus (COVID-19).

To learn more about flu, visit Influenza (Flu).

Digital Resources



Symptoms of COVID-19 (PDF)
Patients with COVID-19 have experienced mild to severe respiratory illness.



Symptoms of COVID-19 (Video) Symptoms can include fever, cough and shortness of breath.



Symptoms of COVID-19: ASL (Video) American Sign Language Video about symptoms.

More Information

Older Adults

People at Higher Risk for Severe Illness

Travelers

Healthcare Professionals

(/)



Home (https://www.tfsd.org) / Twin Falls Virtual Schoolhouse

Twin Falls School District Virtual Schoolhouse: K-8th Grade

A home-based schooling option for Twin Falls School District Students













Are you worried about all of the unknowns with COVID-19 restrictions and the upcoming school year? Twin Falls School District, in partnership with Venture Upward, has a home-based schooling option for you!

How the program works:

TFSD students can choose to enroll in the Twin Falls Virtual Schoolhouse (TFVSH). Students continue to be TFSD students, but they are able to complete their schooling at home rather than at a traditional brick and mortar school. TFSD contracts with Venture Upward to provide curriculum, resources, activities, teaching, and mentoring to all students enrolled in TFVSH. Students meet the same standards as all Idaho public school students, including taking the IRI and ISAT testing (subject to COVID restrictions).

At a glance:

With enrollment in Venture Upward ALL students receive:

- 4 Core Courses: Online curriculum or Venturing Ahead path
- Venture School: Weekly onsite program (alternative subscription box option is available for special circumstances)
- Technology Training Course: Online, computer-based internet safety training which helps the whole family learn how to mitigate online risks such as cyberbullying and identity theft.
- Free and fun organized field trips and service opportunities for the whole family
- Venture Reward: Funding to support your student's education
- Dedicated teachers and mentors: Individualized attention, support, and guidance
- A community of home educators: An extensive online community created for Venture families to connect with each other and offer support to one another. Our website also offers additional parental support.

What is required for each enrolled student?

- Grades K-3: Weekly progress in Reading Eggs
- All students: Weekly progress as outlined in the pacing guide for each core course
- Weekly attendance and participation in Venture School or alternate subscription box option
- State Standardized testing

What kind of elective classes can my student choose? Are elective classes provided?

How much does it cost to enroll in the Venture Upward program through TFVSH?

Translate »

What if I don't have access to a computer or the internet?	•
How many hours does my student have to work on school each day?	•
Do parents have to teach all of the lessons?	•
What if my student wants to go back to public school after COVID-19?	•
How do I enroll my student in the Venture Upward program?	•
Who can enroll in TFVSH?	•
How can I learn more?	•



Steps for Enrollment in the TFVSH Venture Upward Program

- 1. Fill out the short online enrollment form at https://ventureupward.org/apply (https://ventureupward.org/apply)
- Complete the online enrollment process for the Twin Falls School District at https://www.tfsd.org/parents/enrolling-your-student/ (https://www.tfsd.org/parents/enrolling-your-student/) for the 2020-2021 school year
- 3. A Venture Upward team member will contact you by email about your student's enrollment.
- 4. Visit ventureupward.org to explore the extensive offerings of the Venture Upward program, including a variety of customized learning paths and enrichment opportunities.
- 5. Your assigned teacher and mentor will schedule a Mentored Academic Planning (MAP) meeting. This meeting is held virtually with video conferencing and is a great opportunity for mentors, students, and parents to become acquainted. This meeting will also help the teacher and mentor to gain insight on how they can best support you and your student throughout the year. This is the perfect time to discuss areas of strength, weakness, interest, talent, or any concerns you have about your student or the program. The teacher will also go over the expectations for students and families in the program and discuss course selection with you.
- 6. Submit an order request for the materials you would like Venture Upward to purchase for your student with their Venture Reward funding.
- 7. The first day of school is August 19th. Weekly progress in all courses is required, which includes progress in Reading Eggs for students in grades K-3.
- 8. The Venture School onsite program will start on September 8th.
- 9. Teachers are a vital part of the student and family support system at Venture Upward. Teachers maintain weekly contact with students and families via email and messages in the LMS (individual student login accounts). Teachers also hold regularly scheduled office hours several times per week. These emails will inform families of upcoming field trips, service projects, important dates, and deadlines. Phone, video, and in-person communication are also available.

What do we do?

Venture Upward recognizes and celebrates the uniqueness of every child. We partner with public schools to provide a free and customized home-based learning experience for students in kindergarten through eighth grade. We help families to create a customized curriculum path which has been tailor-made to meet the unique needs and learning style of each student. While learning takes place primarily in the home, we also offer on-site classes, group field trips, and community service opportunities. This individualized and hands-on approach helps children to develop a lifetime love of learning.

Curriculum and Programs Ensuring that students have the resources they need to succeed.

Venture Upward brings you the best online curriculum. With enrollment, all students receive free access to quality curricula such as Mathseeds, Mathletics, Reading Eggs, and Studies Weekly. IXL and Spectrum workbooks are also provided at no extra cost for those students who choose the Venturing Ahead path. Every student also receives a Venture Reward, which is intended to help families purchase other online or hard-copy curricula of their

choosing. Please note that Venture Reward funds cannot be used to purchas rarisiately-

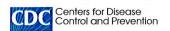
Mentoring

Our qualified and experienced mentors are here to help you every step of the way. Both you and your student can count on their individualized attention, support, and guidance through your entire journey with Venture Upward.

based curriculum.

We also offer engaging on-site classes at Venture School one day per week to compliment your child's core curriculum. Venture School is a drop-off program, but of course, parents are always welcome to stay and volunteer! Students love the exciting array of electives offered onsite, as well as the friendships they build. However, we understand that on-site classes are not the right fit for every student, which is why we also offer project-based subscription boxes for an at-home alternative.

The Venture Team values community and connection, which is why we learn, play, and work alongside one another. The Venture School staff coordinates several service opportunities throughout the school year. We also plan fun and captivating field trips! Community service projects and field trips are open to the entire family, and there is never a cost to you for these fun-filled opportunities! Our extensive online community is another platform in which Venture families will find connection and support.



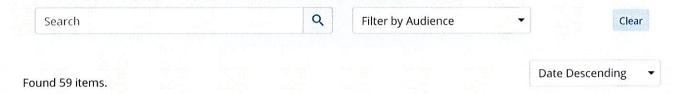
Coronavirus Disease 2019 (COVID-19)

Print Resources

Updated July 12, 2020

Print

The following print-only materials are developed to support COVID-19 recommendations. All materials are free for download. They may be printed on a standard office printer, or you may use a commercial printer.





What You Can Do If You Are At Higher Risk of Severe Illness from COVID19

People at high-risk for severe illness from COVID-19 include older adults, people who live in a nursing home or long-term care facility, and people of all ages with underlying medical conditions. Learn what you can do to protect yourself.

Size: 8.5"W x 11"H

Alternative Languages: Spanish

Date: 7/10/20

Audience: Community Settings, High-Risk Populations, Home

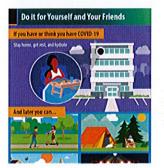


Wear a Cloth Face Covering to Protect You and Your Friends <a>B

Fact sheet for young people on how to put on and take off a face covering.

Date: 7/9/20

Audience:



Do It for Yourself and Your Friends

Fact sheet for college students about what to do if they have or think they have COVID-19.

Date: 7/9/20

Audience:





Do It for Yourself and Your Friends

Fact sheet for high school students about what to do if they have or think they have COVID-19.

Date: 7/9/20

Audience:



Stay Safe at the Pool/Beach

Fact sheet for college students on how to be safe at the pool or beach.

Size: 8.5"W x 11"H

Date: 7/9/20

Audience:



Stay Safe at the Pool/Beach

Fact sheet for high school students on how to be safe at the pool or beach.

Size: 8.5"W x 11"H

Date: 7/9/20

Audience:



What Your Test Results Mean

Fact sheet for high school students telling them what to do if their COVID-19 test is positive and what to do if it is negative.

Size: 8.5"W x 11"H

Date: 7/9/20

Audience:



Slow the Spread of COVID-19 🖪

Fact sheet for college students telling them how to reduce the spread of COVID-19.



Size: 8.5"W x 11"H

Date: 7/9/20

Audience:



Slow the Spread of COVID-19 N

Fact sheet for high school students telling them how to reduce the spread of COVID-19.

Size: 8.5"W x 11"H

Date: 7/9/20

Audience:



Protect Yourself and Others from COVID-19

Fact sheet for high school students telling them how to protect themselves from COVID-19.

Size: 8.5"W x 11"H

Date: 7/9/20

Audience:



What Your Test Results Mean

Fact sheet for college students telling them what to do if their COVID-19 test is positive and what to do if it is negative.

Size: 8.5"W x 11"H

Date: 7/9/20

Audience:



COVID-19-testing-deep-nasal-self-swab

Instructions for collecting your nasal swab sample for COVID-19 testing.

Size: 11" W x 8.5" H

Date: 7/7/20

Audience:



COVID-19-testing-anterior-self-swab

Instructions for collecting your nasal swab sample for COVID-19 testing.

Size: 11" W x 8.5" H

Date: 7/7/20

Audience:



Help Protect Yourself and Others in Public Settings - Poster

Resource for public settings and public transportation encouraging social distancing and wearing cloth face coverings to help prevent the spread of COVID-19.

17W" x 24 H"

Alternative Language: Arabic | Cape Verdean Creole | Chinese (Simplified) | French | Haitian Creole | Hmong | Khmer | Kinyarwanda | Laotian | Portuguese | Spanish | Swahili

Date: 7/7/20

Audience: Community Settings, Travel



Now let's swim!

5 Safety Steps **5**

Follow these 5 safety steps to keep us all healthy at aquatic venues.

Size: 8.5"W x 11"H

Alternative Languages: Spanish

Date: 6/30/20

Audience: Businesses, General Public



Checklist for Staff at Aquatic Venues

Daily checklist for staff of public pools, hot tubs, and water playgrounds.

Size: 8.5"W x 11"H

Alternative Languages: Spanish

Date: 6/30/20

Audience: Businesses



What You Need to Know About COVID-19 and Pets Limit, including part, can be talkned with the month at cases (1998 to 19

when the date could be seen to the seed of the seed of

What You Need to Know About COVID-19 and Pets 🖪

A small number of pets worldwide have been reported to be infected with the virus that causes COVID-19, mostly after close contact with people with COVID-19.

Ci-0. 0 E"LL. 11"M



SIZE. O.D TIXII VV

Date: 6/28/20

Audience: Businesses, General Public, State and Local Government



What to do if you are sick

If you are sick with coronavirus disease 2019, or suspected of being infected with it, follow the steps in this fact sheet to help prevent spreading it to people in your home and community.

Size: 8.5"W x 11"H

Alternative Languages: Amharic | Arabic | Burmese | Dari | Farsi | French | Haitian Creole | Hmong | Karen | Khmer | Kinyarwanda | Korean | Kunama | Lao | Nepali | Oromo | Pashto | Portuguese | Russian | Serbian (Bosnia) | Simplified Chinese | Somali | Spanish | Swahili | Tagalog | Thai | Tigrinya | Ukrainian | Vietnamese

Date: 6/27/20

Audience: Community Settings, Home



What you should know about COVID-19 to protect yourself and others **N**

Coronavirus (COVID-19) is an illness caused by a virus that can spread from person to person. Learn ways you can protect yourself and others from COVID-19.

Size: 8.5"W x 11.5"H

Alternative Languages: Amharic | Arabic | Burmese | Cape Verdean Creole | Chuukese | Dari | English | Farsi | French | Haitian Creole | Hmong | Karen | Khmer | Kinyarwanda | Korean | Laotian | Marshallese | Malay | Nepali | Pashto | Portuguese | Russian | Serbian (Bosnia) | Simplified Chinese | Somali | Spanish | Swahili | Tagalog | Thai | Tongan | Tigrinya | Ukrainian | Vietnamese

Date: 6/21/20

Audience: Community Settings, Home



Facemask Do's and Don'ts for Healthcare Personnel

Facemask "Do's and Don'ts" for healthcare personnel

Date: 6/10/20

Audience: First Responders, Healthcare Professionals

Elementary Safety/Education Protocols for 20-21 School Year

Gatherings:

Schools will create plans for Open Houses that will allow for smaller gatherings to meet the teacher and hear classroom plans and procedures for the school year.

Schools will not hold activities that create large group gatherings in yellow, orange, or red, such as concerts, programs, parent involvement nights, school assemblies, field trips, etc.

Schools will provide students with recess time and will take precautions such as not allowing the use of the big playground equipment, encouraging activities that do not require equipment, encouraging social distancing as much as possible, providing hand sanitizing stations, etc.

Schools will work to minimize large group gatherings during arrival and departure to and from school.

Breakfast and Lunch:

Schools will stagger schedules as much as feasible, work to limit the number of students in the cafeteria at one time as much as possible, encourage as much social distancing as possible, have students sit at tables assigned to their classrooms to make contact tracing easier, will not use the touchpoint but will track student meals served through staff keeping paper/pencil records, providing hand sanitizer stations in cafeterias, etc.

Schools will limit visitors (including volunteers and parents) who are not staff or students in yellow and orange. Protocols for visitors are noted in the district protocol document for each color level.

Green/Yellow/Orange/Red

Teachers will also communicate with parents and let them know which communication mode they will use on a regular basis (Class DOJO, Remind, e-mail, etc.)

Teachers will respond to parent communications within 1 work day of received e-mail and/or voicemail whenever possible.

Students will be assigned a digital device that will be for their use only. Students will use this for in-class work when needed, and to take home for online work when in orange or red. Students will be taught the importance of only using their assigned devices.

The district provides an opportunity for a students K-8 to attend the Venture Upward School, online, for the school year, if a family is concerned about their child attending brick and mortar school. Families must register their child by September 1 in order to attend this school. This school is a part of the Twin Falls School District.

Orange Schedule

Students will be assigned to the A (last name begin with letters A-K)or B (last name begins with letters L-Z)group and will follow that schedule during Orange. For Kindergarten, specific information will be provided by your child's school in regards to their attendance on the alternating Mondays. The half-day on Mondays for elementary was designed to provide teachers an opportunity to assess student learning and progression, without impacting the 2 in-person instructional days, affording as much in-person instruction as possible for students. Monday student times will be 8:00-11:30, with students coming on alternating Mondays. Teachers will use Monday afternoons for planning and preparation for the week's instruction.

**Building administrators will work with families who have children with different last names to place all children in 1 family on the same schedule.

Elementary Orange Hybrid Schedule							
	Monday	Tuesday	Wednesday	Thursday	Friday		
Elementary	A-Day and	A-Day	B-Day	A-Day	B-Day		
K - 5th	B-Day	Students in	Students in	Students in	Students in		
	Students will	School	School	School	School		
	Attend In	1,222	14 L	The second second	and and		
	person	B-Day	A-Day	B-Day	A-Day		
	alternating	Students	Students	Students	Students		
	Mondays	Distance	Distance	Distance	Distance		
	8-11:30 and	Learning and	Learning and	Learning and	Learning and		
	will have	packets	packets	packets	packets		
	distance				1.18		
	learning	A CONTRACTOR OF THE PARTY OF TH	100	-1.2	k		

1,357	alternating	20 00 121	(1)	- 5 20-	- 20	
4-16	Mondays	F-1.	PNI	555	44.00	
1, 2, 2, 2	Monadyo			3,44	42,54	

Classroom/School Safety Protocols (Yellow/Orange):

Families will be expected to monitor student use of devices in the home and to help children take care of devices and help assure that devices are transported from home to school for their use at school when students are in session.

Teachers will take precautions by disinfecting any school supplies that students may need to share between uses. This will include manipulatives and classroom supplies like scissors, etc. Schools will minimize the sharing of materials from student to student.

Teachers will keep seating charts so that we have a record of who students are in close proximity to, to assist with contact tracing in the event of a confirmed case in a school.

Classrooms will be arranged to allow for the most social distancing possible among student desks. If classrooms use tables instead of desks, efforts will be made to social distance and not have kids facing each other as much as possible.

Classroom doors will be kept open whenever possible to minimize the use of doorknobs by staff and students.

Staff will wear face masks or shields when they need to work with a student at a closer distance than 6 feet. This will include for small group intervention instruction or when students need 1-1 help. Clear study carrols will also be made available for students when working in small groups with teachers.

Visitors and parents will be required to make an appointment to come into the school. Visitors and parents will be required to wear a mask when in the school for their scheduled appointment. Block Teachers (PE/Music/Computer Lab and Library) will provide services to students in the general education classroom, rather than students visiting the gym, music room, computer lab, and library during both yellow and orange. Classes will not be combined for these activities in an effort to keep kids as safe as possible by not sharing spaces for these classes. PE will conduct their classes outside whenever weather permits.

Interventions and Special Education

Students may be pulled into small group settings for various intervention times. This will be limited to situations where needs cannot be met with push in interventions. Intervention and special ed teachers will document seating charts and keep in case of need for contact tracing.

Orange/Red

Students will be expected to participate in distance learning and/or to complete packet work provided during distance learning days. Teachers will be teaching the standards and grading students with standards-based grading, based on completed work whether in person, online, or through packet work.

All students who are assigned Chromebooks as their device will have weekly lessons and assignments pushed out to families through Google Classroom.

All students who are assigned ipads as their device will have weekly lessons and assignments pushed out to families through SeeSaw.

Teachers will provide guidance to parents and students about how to access the online instruction.

Families will need to help their child in accessing their distance learning, and will be expected to read communications sent out from the school and assist their child in their distance learning to the best of their abilities.

Students will be provided breakfast and lunch when they are attending school in person on the alternating Mondays during Orange.

Red

When in RED, which is full distance learning, students will be provided a minimum of two google meets opportunities each week, where they can interact with their peers and their teacher in an online format.

Teachers will also provide students and parents with instruction and assignments every week. Students will be held accountable for the work assigned, but it will not be required that the work be completed on the very day that it is scheduled by the teachers. Teachers will monitor student participation and completion of work each week, to determine student learning and provide assistance to families if needed to assure students are being active participants in their learning.

Teachers will communicate with parents so that they know which day of the week and what time the weekly lessons and assignments will be disseminated to parents/students.

**Attendance will be kept for students by monitoring time spent on online programs, presence at live class meetings, and progress in learning demonstrated throughout the week both online and on packet work.

Teachers will provide a minimum of 1 hour for office hours each day and communicate those to parents so that parents know a specific time that they will be able to get in direct contact with teachers for assistance.

Buildings will have plans for how packet work will be disseminated and returned if in extended closure.

Families will be expected to make arrangements to pick up packets for their child and support their children in completing both packet and online work.

Orange Phase Expectations for Online Learning

Twin Falls School District Secondary Schools

In order to best fulfill the mission of the T.F.S.D., "to provide a quality education necessary for students to be successful in life," it is of importance that teachers, students, and parents agree to commit the time and energy needed for students to become successful. In the event of the need to return to online/remote learning (red/orange status), the following criteria are designed to assist us in best supporting each other in this effort.

Secondary Orange Hybrid Schedule						
	Monday	Tuesday	Wednesday	Thursday	Friday	
Secondary 6-12	All Secondary Students Working Online	A-Day Students in School & B-Day Students Working Online	B-Day Students in School & A-Day Students Working Online	A-Day Students in School & B-Day Students Working Online	B-Day Students in School & A-Day Students Working Online	

Student Expectations:

- Adhere to our code of conduct; behave with integrity and honesty while participating in an online class.
- Participate in online courses for the minimum amount of time recommended.
- Communicate with your online instructor and mentor in a professional and respectful manner.
- Attend assigned Google Meets and complete coursework on time.
- Ensure you have a plan to access online courses or requested packets at all times.
- Be accountable for earning the letter grade you strive for; grades will not be pass/fail for the 2020-2021 school year.

Parent Expectations:

- Ensure that my student has the necessary equipment to participate: access to a device, internet, or ability to pick up and return requested coursework/packets.
- Log in to Powerschool in order to stay attuned to your student's progress; ask your student to show you his/her coursework and progress. It is recommended to check PowerSchool at least twice each week.
- Support your student in participating with integrity and honesty; for example, ensure that all tests are completed by your student without the aid of others.
- Encourage your student to seek help when stuck or frustrated.
- Support your student in earning the letter grade he/she strives for; grades will not be pass/fail for the 2020-2021 school year.

Teacher Expectations:

- Provide engaging online curriculum balancing high expectations and manageability for students.
- Communicate weekly course expectations for students each Monday by 9:00 AM. Students will need to have approximately 30 minutes worth of work for each course on Mondays and the two online days depending on if they are an A Day or B Day student.
- Posts two Updates/Announcements each week on the course homepage.
- Google Meet link posted (1 every other week to touch base with students)
- Each Monday, designate one office hour opportunity for tutoring or feedback.
- Make every effort to respond to e-mail from students or parents within two working days.

- Grade assignments within one week with the exception of major papers and projects. Priority will be given to work submitted on time.
- Accommodate students' individual needs while grading in the Orange Phase; grades will not be pass/fail for the 2020-2021 school year.

Red Phase Expectations for Online Learning (DRAFT)

Twin Falls School District Secondary Schools

In order to best fulfill the mission of the T.F.S.D., "to provide a quality education necessary for students to be successful in life," it is of importance that teachers, students, and parents agree to commit the time and energy needed for students to become successful. In the event of the need to return to online/remote learning (red/orange status), the following criteria are designed to assist us in best supporting each other in this effort.

Content Area Days (below) are designated to support students in focusing on one subject at a time. Teachers may use designated days for Google Meets, office hours, online tutoring sessions, major tests, etc.

	High School	Middle School	Content Area
Monday	30 min per class or 4 hours per day	20-30 min per class or 4 hours per day	Weekly communication from all teachers
Tuesday	30 min per class or 4 hours per day	20-30 min per class or 4 hours per day	Math
Wednesday	30 min per class or 4 hours per day	20-30 min per class or 4 hours per day	Science and CTE
Thursday	30 min per class or 4 hours per day	20-30 min per class or 4 hours per day	English and Social Studies
Friday	30 min per class or 4 hours per day	20-30 min per class or 4 hours per day	Electives

Student Expectations:

- Adhere to our code of conduct; behave with integrity and honesty while participating in an online class.
- Participate in online courses for the minimum amount of time recommended.
- Communicate with your online instructor and mentor in a professional and respectful manner.
- Attend assigned Google Meets and complete coursework on time.
- Ensure you have a plan to access online courses or requested packets at all times.
- Be accountable for earning the letter grade you strive for; grades will not be pass/fail for the 2020-2021 school year.

Parent Expectations:

• Ensure that my student has the necessary equipment to participate: access to a device, internet, or ability to pick up and return requested coursework/packets.

- Log in to Powerschool in order to stay attuned to your student's progress; ask your student to show you his/her coursework and progress. It is recommended to check PowerSchool at least twice each week.
- Support your student in participating with integrity and honesty; for example, ensure that all tests are completed by your student without the aid of others.
- Encourage your student to seek help when stuck or frustrated.
- Support your student in earning the letter grade he/she strives for; grades will not be pass/fail for the 2020-2021 school year.

Teacher Expectations:

- Provide engaging online curriculum balancing high expectations and manageability for students.
- Communicate weekly course expectations for students each Monday.
- Posts two Updates/Announcements each week on the course homepage.
- Google Meet link posted (1 every other week to touch base with students)
- Designate a variety of office hour opportunities for tutoring or feedback. 4 6 hours per week so students can get questions answered and receive immediate feedback. Any other communications/questions would be subject to the two working days for a response guidance. Not the same as group chats or live lesson delivery.
- Make every effort to respond to e-mail from students or parents within two working days.
- Grade assignments within one week with the exception of major papers and projects. Priority will be given to work submitted on time.
- Accommodate students' individual needs while grading in the red phase; grades will not be pass/fail for the 2020-2021 school year.

Student Name:	
Student Signature:	
Parent Name:	
Parent Signature:	

- I. Questions for Other Committees:
 - A. Red-Anyone in building?
 - 1. Wifi/Meets from home can be difficult
 - 2. Teachers need to be able to bring own children
 - 3. Socially distanced computer lab time for students without access?

Secondary Safety/Education Protocols for 20-21 School Year

Gatherings:

Schools will create plans for Open Houses that will allow for smaller gatherings to meet teachers and hear classroom plans and procedures for the school year.

Schools will not hold activities that create large group gatherings in yellow, orange, or red, such as dances, programs, parent involvement nights, school assemblies, field trips, etc.

Schools will work to minimize large group gatherings during arrival and departure to and from school and during lunch.

Breakfast and Lunch:

Schools will stagger schedules as much as feasible, work to limit the number of students in the cafeteria at one time as much as possible, encourage as much social distancing as possible, have students sit at tables in a way that allows them to social distance as much as possible, providing hand sanitizer stations in cafeterias, etc.

Schools will limit visitors (including volunteers and parents) who are not staff or students in yellow and orange. Protocols for visitors are noted in the district protocol document for each color level.

Green/Yellow/Orange/Red

Teachers will communicate with parents and let them know which communication mode they will use on a regular basis (Remind, e-mail, etc.)

Teachers will respond to parent communications within 2 work days of received email and/or voicemail whenever possible.

Students will be assigned a digital device that will be for their use only. Students will use this for in-class work when needed, and to take home for online work when in orange or red. Students will be taught the importance of only using their assigned devices.

The district provides an opportunity for a students K-8 to attend the Venture Upward School, online, for the school year, if a family is concerned about their child attending brick and mortar school. Families must register their child by September 1 in order to attend this school. This school is a Twin Falls School District school.

Orange Schedule

Students will be assigned to Group A (last name begin with letters A-K) or Group B (last name begins with letters L-Z) and will follow that schedule during the Orange Schedule.

Mondays will be an online learning day for all secondary students. Teachers will use the Monday Collaboration time for collaborating, planning, and preparing for the upcoming week.

**Building administrators will work with families who have children with different last names to place all children (elementary, middle, and high school) in one family on the same schedule.

Secondary Orange Hybrid Schedule						
	Monday	Tuesday: A-Day	Wednesday: B-Day	Thursday: A-Day	Friday: B-Day	
Secondary 6th - 12th Grades	Online Day for All Students	Group A Students in School Group B Students Distance Learning and packets	Group B Students in School Group A Students Distance Learning and packets	Group A Students in School Group B Students Distance Learning and packets	Group B Students in School Group A Students Distance Learning and packets	

Classroom/School Safety Protocols (Yellow/Orange):

Families will be expected to monitor student use of devices in the home and to help children take care of devices and help assure that devices are transported from home to school for their use at school when students are in session.

Teachers will take precautions by disinfecting any school supplies that students may need to share between uses. This will include classroom supplies, lab equipment, calculators, etc. Schools will make every effort to minimize the sharing of materials from student to student.

Teachers will keep seating charts so that we have a record of who students are in close proximity to, to assist with contact tracing in the event of a confirmed case in a school.

Classrooms will be arranged to allow for the most social distancing possible among student desks. If classrooms use tables instead of desks, efforts will be made to social distance and not have kids facing each other as much as possible.

When staff are working with students and are not able to social distance they will wear face masks or shields when they need to work with a student at a distance closer than

6 feet. This will include for small group intervention instruction or when students need 1-1 help.

Visitors and parents will be required to make an appointment to come into the school. Visitors and parents will be required to wear a mask when in the school for their scheduled appointment.

The music department is working on a safety plan for choir, performance choirs, orchestra, and band classes. They are still waiting on guidance from the state and national music teachers' organizations.

Interventions and Special Education

Students may be pulled into small group settings for various intervention times. This will be limited to situations where needs cannot be met with push in interventions. Intervention and special ed teachers will document seating charts and keep in case of need for contact tracing.

Orange/Red

Students will be expected to participate in distance learning and/or to complete packet work provided during distance learning days. See the student/parent/teacher expectations document for specific information.

All students who are assigned Chromebooks as their device will have weekly lessons and assignments pushed out to students and families through Google Classroom, Schoology, Moodle, and Buzz.

Teachers will provide guidance to parents and students about how to access the online instruction and assessments.

Families will need to help their child in accessing their distance learning, and are asked to read communications sent out from the school and assist their child in their distance learning to the best of their abilities.

Red

See the Expectations for Online Learning Document for specific guidance.

Teachers will provide students and parents with instruction and assignments every week. Students will be held accountable for the work assigned. Teachers will monitor student participation and completion of work each week, to determine student learning and provide assistance to families if needed to assure students are being active participants in their learning.

Teachers will communicate with parents so that they know which day of the week and what time the weekly lessons and assignments will be disseminated to parents/students.

Teachers will provide scheduled online office hours. Check the online course for specific office hours.

Buildings will have plans for how packet work will be disseminated and returned if in extended closure.

Families will be expected to make arrangements to pick up packets for their child and support their children in completing both packet and online work.



TFSD #411 Special Services COVID Protocol

General Guidance:

- Ultimately all decisions are up to the IEP or 504 team, and each student's individual needs should be considered.
- In all levels of operation students in special education or on 504 plans should receive services comparable to what their general education peers are receiving.
- Students with IEPs/504s will be provided with materials in the same manner as general education students and have access to same instructional support via virtual platforms as their peers.
- IDEA and 504 Timelines are still in place in all levels of operation.
- Modifications and accommodations, as noted in student IEPs/504s will be provided to the extent possible and necessary, based on the type of instruction.
 - o General Education Teachers:
 - Will be cognizant of IEP and 504 accommodations, and implement the extent that they can be applied.
 - Coordinate with the IEP and 504 case managers to implement accommodations.
 - Ensure that all materials are accessible to all their students.
 - o 504 Case Managers:
 - Support general education teachers with lesson planning as needed to implement accommodations and modifications.
 - Support general education teachers with lesson planning as needed to ensure materials are accessible.
 - Will work on 504 paperwork, and meet required timelines.
 - Will communicate with parents regarding task options as needed.
 - o Special Education Teachers and Related Service Providers:
 - Support general education teachers with lesson planning as needed to implement accommodations and modifications.
 - Support general education teachers with lesson planning as needed to ensure materials are accessible.
 - Design activities for their own classes using alternate forms of instruction; virtual, phone calls, work packets, parent instruction etc...
 Activities will be related to IEP goals outlined in each student's IEP.
 - Will work on IEP paperwork, and meet required timelines.
 - Will communicate with parents regarding task options as needed.
- Special Education and 504 Paperwork
 - o Timelines are still in place no matter if we are in green, yellow, orange or red level. Special education teachers and related service providers will continue to work on IEP/504 and evaluation paperwork within required timelines.
 - o Case managers will work with individual teams and parents if IEP/504 meetings are going to be held via phone or other virtual option.
 - all participants who are required to attend an in-person meeting, must attend in the virtual format.



- All initial or reevaluations that were put on hold during the school closure during the 2019-2020 school year will be completed within 45 calendar days if face-face assessments are safe.
- As annual reviews occur IEP and 504 teams need to consider and draft an <u>Individual Distance Learning Plan</u> that will address the red level and a potential school closure.
 - It is highly encouraged that those with smaller caseloads make contingency plans earlier.
- IEP and 504 plans will be written as if students will be attending school during the green level. The <u>Individual Distance Learning Plan</u> will outline what a students program will look like in the event of a red zone school closure.
- The Twin Falls School District Special Services Program will follow guidance from the Office of Special Education and the Idaho Department of Education.
 - Office of Special Education Programs Q&A on Providing Services to Students During the COVID Outbreak
 - Idaho Department Of Education Guidelines for Providing Special
 Education Services During the COVID-19 Pandemic

• FAPE REQUIREMENTS Providing FAPE During School Closure

- Service times and instruction do not have to be exactly the amount as written in the IEP, but log all minutes of services will be provided.
- Alternate modes of services still need to allow progress toward IEP goals.
- Not required to amend or rewrite the IEP to include the alternate mode of providing services.
- After extended closures, case managers are responsible for reviewing how the closure impacted the delivery of special education and related services to students with IEPS on a case by case basis to determine if compensatory services are required.
- Service log and progress monitoring data will be critical for IEP and 504 teams to make future program decisions.



Green: Traditional Schedule

- Follow district guidelines for PPE, cleaning and other safety measures
- Normal instruction.
- Normal IEP/evaluation process.
- Plan for vulnerable students:
 - Online options or other distance learning options
 - IEP and 504 teams will meet to build plans to meet individual student needs.
 - Alternate Instruction Flowchart
 - Supporting Parents Through Alternate Instruction
 - Extended Absence Flow Chart
 - Normal IEP process, but may need to have virtual IEP meeting.

Yellow: Enhanced Traditional

- Follow district guidelines for PPE, cleaning and other safety measures.
- Normal instruction.
- Normal IEP/evaluation process with enhanced safety precautions such as masks or barriers used in testing areas.
- Students that ride the special education and preschool buses will have their temperature taken before boarding using a no touch thermometer. If the student has a temperature of 100.4 or greater, the student will not be permitted on the bus.
 - o Bus staff will wear face coverings.
- Students in the extended resource, intermediate resource, and preschool
 programs will have temperature checked each morning. If a student has a
 temperature of 100.4 or greater, the District (Separation and/or sent/stay home
 criteria) will be used. The student will not be allowed at school until return to school
 status is met (see Return to School).
- All related services therapists (OT, PT, SLP) will wear face coverings or use barriers.
 - All work areas and materials and will be cleaned after each session
 - Staff will wash hands or use hand sanitizer between sessions.
- Plan for vulnerable students:
 - Online or other distance learning options
 - IEP and 504 teams will meet to build plans to meet individual student needs.
 - Alternate Instruction Flowchart



- Supporting Parents Through Alternate Instruction
- Extended Absence Flow Chart
- Normal IEP process, but may need to have virtual IEP meeting. Follow District guidelines for social distancing.

Orange: Modified Schedule

- Follow district guidelines for PPE, cleaning and other safety measures.
- Special education programs will follow their respective school's modified schedule.
- Normal IEP/evaluation process with enhanced safety precautions such as masks or barriers used in testing areas.
- Students that ride the special education and preschool buses will have their temperature taken before boarding using a no touch thermometer. If the student has a temperature of 100.4 or greater, the student will not be permitted on the bus.
 - o Bus staff will wear face coverings.
- Students in the extended resource, intermediate resource, and preschool programs will have temperature checked each morning. If a student has a temperature of 100.4 or greater, the District (Separation and/or sent/stay home criteria) will be used. The student will not be allowed at school until return to school status is met (see Return to School).
- All related services providers (OT, PT, SLP, CBRS, BI) will wear face coverings or barriers iif social distancing is not feasible.
 - All work areas and materials and will be cleaned after each session.
 - Staff will wash hands or use hand sanitizer between sessions.
- Plan for vulnerable students:
 - Online options--Virtual schoolhouse or other distance learning options
 - IEP and 504 teams will meet to build plans to meet individual student needs.
 - Extended Absence Flow Chart
 - Alternate Instruction Flowchart
 - Supporting Parents Through Alternate Instruction
- Preschool program will follow the Kindergarten modified schedule.
- Normal IEP process, but only necessary staff should be in attendance. Virtual IEP meetings are encouraged.
 - IEP Quick Guide



Red: Full Distance Learning Schedule

- Individual Distance Learning Plan written for all students on an IEP.
 - Alternate Instruction Flowchart
 - Supporting Parents Through Alternate Instruction
- Progress monitoring toward IEP goals will continue.
- All IEP meetings should be conducted virtually.
 - All required members required at face-to face meetings are required at virtual meetings.
 - IEP Quick Guide
- IEPs will be written as if students will be attending school during the green level.
- Initial and Re-evaluations
 - Initial Evaluation Quick Guide
 - o Reevaluation Quick Guide
 - Teams will existing data as much as possible
 - If the team determines that there is sufficient data to determine eligibility, then the IEP team should proceed to determine eligibility, and it would be appropriate to conduct the meeting as planned as a phone conference or virtual platform.
 - If the team does not have the data needed to complete the initial or re-evaluation:
 - Think about all the ways to get information checklists, video of child engaged in specific activities you ask parent to engage with, engage in live / google hangout, zoom, etc conversation with student, parent interview, recordings of language sample, etc...
 - 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. 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, or who is being evaluated under Section 504.
 - Document with written notice.
 - All evaluations that were postponed will need to be completed within 45 days once it is deemed safe to conduct face to face assessments.



QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK

MARCH 2020

The Centers for Disease Control and Prevention (CDC) is responding to an outbreak of respiratory disease caused by a new coronavirus named coronavirus disease 2019 (COVID-19). The CDC has issued interim guidance to help administrators of public and private childcare programs and K–12 schools plan for and prevent the spread of COVID-19 among students and staff. See Interim Guidance for Administrators of US Childcare Programs and K–12 Schools to Plan, Prepare, and Respond to Coronavirus Disease 2019 available at: https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html

This Questions and Answers document outlines states' responsibilities to infants. toddlers, and children with disabilities and their families, and to the staff serving these children. During an outbreak of COVID-19, local educational agencies (LEAs) and early intervention service (EIS) programs will need to collaborate with their state educational agency (SEA), Bureau of Indian Education (BIE), or local public health department, as appropriate, to address questions about how, what, and when services should be provided to children with disabilities. 1 It does not create or confer any rights for or on any person. This Q & A document does not impose any additional requirements beyond those included in applicable law and regulations. The responses presented in this document generally constitute informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented here and are not legally binding. 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. 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.

¹ This document does not address when to dismiss a child or close a school or Part C state lead agency because school officials should work with their local health departments to make those decisions. School personnel and Part C EIS programs and providers, however, may consult the Centers for Disease Control and Prevention's (CDC's) guidance for recommendations regarding social distancing and school closure. The CDC's Web site contains information addressing both state and local public health officials and school administrators for school (K-12) responses to COVID-19 and resources for child care and early childhood programs. These documents, along with other recommendations, may be accessed at https://www.cdc.gov/coronavirus/2019-ncov/community/index.html.

Implementing Part B of the IDEA and Section 504 during a COVID-19 outbreak

Question A-1: Is an LEA required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 outbreak?

Answer:

The IDEA, Section 504, and Title II of the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time (generally more than 10 consecutive days) because of exceptional circumstances, such as an outbreak of a particular disease.

If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an 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 compensatory services are needed under applicable standards and requirements.

If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP developed under IDEA, or a plan developed under Section 504. (34 CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).

QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING A COVID-19 OUTBREAK

Question A-2:

Must an LEA provide special education and related services to a child with a disability who is absent for an extended period of time because the child is infected with COVID-19, while the schools remain open?

Answer:

Yes. It has long been the Department's position that when a child with a disability is classified as needing homebound instruction because of a medical problem, as ordered by a physician, and is home for an extended period of time (generally more than 10 consecutive school days), an individualized education program (IEP) meeting is necessary to change the child's placement and the contents of the child's IEP, if warranted. Further, if the IEP goals will remain the same and only the time in special education will change, then the IEP Team may add an amendment to the IEP stating specifically the amount of time to be spent in special education. If a child with a disability is absent for an extended period of time because of a COVID-19 infection and the school remains open, then the IEP Team must determine whether the child is available for instruction and could benefit from homebound services such as online or virtual instruction. instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing, school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a child does not receive services after an extended period of time, a school must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

Question A-3:

What services must an LEA provide if a public school for children with disabilities is selectively closed due to the possibility of severe complications from a COVID-19 outbreak?

Answer:

If a public school for children with disabilities is closed solely because the children are at high risk of severe illness and death, the LEA must determine whether each dismissed child could benefit from online or virtual instruction, instructional telephone calls, and other curriculumbased instructional activities, to the extent available. In so doing,

QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING A COVID-19 OUTBREAK

school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a child does not receive services during a closure, a child's IEP team (or appropriate personnel under Section 504) must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

Question A-4:

If a child with a disability at high risk of severe medical complications is excluded from school during an outbreak of COVID-19 and the child's school remains open, is the exclusion considered a change in educational placement subject to the protections of 34 CFR §§ 300.115 and 300.116 and 34 CFR §§ 104.35 and 104.36.

Answer:

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 the placement group determines 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

QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING A **COVID-19 OUTBREAK**

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.

Question A-5:

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 the school's closure?

Answer:

Yes. IEP teams may, but are not required to, include distance learning plans in a child's IEP that could be triggered and implemented during a selective closure due to a COVID-19 outbreak. Such contingent provisions may include the provision of special education and related services at an alternate location or the provision of online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, and may identify which special education and related services, if any, could be provided at the child's home.

Creating a contingency plan before a COVID-19 outbreak occurs gives the child's service providers and the child's parents an opportunity to reach agreement as to what circumstances would trigger the use of the child's distance learning plan and the services that would be provided during the dismissal.

Question A-6: What activities other than special education and related services may and may not be provided with IDEA Part B funds both prior to and during a COVID-19 outbreak?

Answer:

IDEA Part B funds may be used for activities that directly relate to providing, and ensuring the continuity of, special education and related services to children with disabilities. For example, an LEA may use

QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING A COVID-19 OUTBREAK

IDEA Part B funds to disseminate health and COVID-19 information that is specifically related to children with disabilities, to develop emergency plans for children with disabilities, or to provide other information (e.g., guidance on coordination of the provision of services in alternate locations as described in Question A-5) to parties who may need such information, including school staff responsible for implementing IEPs, parents of eligible children, and staff in alternate locations where special education and related services may be provided. LEAs, however, may not use IDEA Part B funds to develop or distribute general COVID-19 guidance or to carry out activities that are not specific to children with disabilities (e.g., general COVID-19 activities for all children and staff). Additionally, LEAs may not use IDEA Part B funds to administer future COVID-19 vaccinations to any children, including children with disabilities.

QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING A **COVID-19 OUTBREAK**

B. IDEA Part C and COVID-19

Question B-1: Must a state lead agency continue to provide early intervention

services to infants and toddlers with disabilities during a COVID-19

outbreak if the offices are closed?

Answer:

If the offices of the state lead agency or the EIS program or provider are closed, then Part C services would not need to be provided to infants and toddlers with disabilities and their families during that period of time. If the lead agency's offices are open but the offices of the EIS program or provider in a specific geographical area are closed due to public health and safety concerns as a result of a COVID-19 outbreak in that area, the EIS program or provider would not be required to provide services during the closure. If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then the lead agency must ensure the continuity of services by, for example, providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative services to the parent.

Additionally, once the offices re-open, the service coordinator and EIS providers for each child must determine if the child's service needs have changed and determine whether the individualized family service plan (IFSP) team needs to meet to review the child's IFSP to determine whether any changes are needed. If offices are closed for an extended period and services are not provided for an extended period, the IFSP team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed to address the infant or toddler's developmental delay.

Question B-2: What should a state lead agency or EIS program provider do to provide Part C services if its offices are open, but it cannot provide services in accordance with an infant's or toddler's IFSP during a COVID-19 outbreak?

Answer:

If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then

QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING A COVID-19 OUTBREAK

the lead agency must ensure the continuity of services, on a case-by-case basis and consistent with protecting the health and safety of the student and those providing services to the student. As an example, the lead agency may consider providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative service to the parent. Once services are fully resumed, the service coordinator and EIS providers for each child must assess the child to determine if the child's service needs have changed and to determine whether the IFSP Team needs to meet to review the child's IFSP to identify whether changes to the IFSP are needed. If the offices are closed and services are not provided for an extended period, the IFSP Team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed.

If an EIS provider cannot provide Part C services in the child's home during a COVID-19 outbreak, but the EIS program or provider determines that it is safe to provide face-to-face Part C services in another environment such as a hospital or medical clinic, then the child could receive temporary services at the hospital or clinic. Additionally, if the lead agency or EIS provider determines that face-to-face Part C services should not be provided for a period of time, then the EIS provider or service coordinator may consult with the parent through a teleconference or other alternative method (such as e-mail or video conference), consistent with privacy interests, to provide consultative services, guidance, and advice as needed. However, determining how to provide Part C services in a manner that is consistent with the most updated public health and safety guidance is left to the discretion of the lead agency and the EIS program and provider serving a particular child and family.

Question B-3: What activities other than service provision may and may not be provided with *IDEA* Part C funds both prior to and during a potential COVID-19 outbreak?

Answer: IDEA Part C funds may be used for activities that directly relate to providing, and ensuring the continuity of, Part C services to eligible children and their families. The state may use IDEA Part C funds to disseminate health and COVID-19 information to relevant parties, develop emergency plans to support the provision and continuity of

QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING A COVID-19 OUTBREAK

Part C services, or provide other information (e.g., how the lead agency staff or EIS programs or providers may provide alternate services or services in alternate locations as described in Question B-2) to relevant parties who need this information. Relevant parties may include parents of eligible children, childcare centers, staff in other locations where early intervention services are provided, EIS programs and providers, and primary referral sources. Other activities that relate to service provision, including the provision of service coordination, evaluations, and assessments, may also be funded. The state may not, however, use *IDEA* Part C funds to administer future COVID-19 vaccinations as it is a medical service under 34 CFR §303.13(c)(3).



Guidelines for Providing Special Education Services During the COVID-19 Pandemic

Updated May 19, 2020

Listed below are the question numbers and topics that provide updated and/or new guidance since the last version of the Special Education COVID-19 Q & A was published. Click each link to jump directly to the new or updated guidance.

Section 3, Question 23 - FAPE, Compensatory Education

Section 4, Questions 7-9 - Evaluation & Reevaluation

Section 5, Question 3 – IEP Development, IEP Team Membership

The guidance provided in this document is not intended to and does not provide legal advice. For legal advice on a specific situation please consult with the attorney representing your school district or charter school.

CONTENTS

Section 1: Child Find	3
Section 2: Waivers of IDEA Requirements	3
Section 3: Free and Appropriate Public Education (FAPE)	5
OSEP Guidance	5
Federal Law Allows Flexibility	6
The Provision of Distance Instruction to Students with Disabilities	7
School Closure	7
Compensatory Education	8
Contingency IEPs	15
Extended School Year Services	16
Transfer Students	16
Section 4: Special Education Evaluation & Reevaluation	18
Section 5: IEP Development	21

IEP Amendment Considerations	21
IEP Team Membership	21
Section 6: Annual IEP	22
Delivering Instruction	23
Preschool Programs	25
Section 7: Service Time & Placement	27
Section 8: Written Notice	30
Section 9: Charter Schools	34
Section 10: Private Schools	34
Section 11: Procedural Safeguards	35
Section 12: Discipline	35
Section 13: Confidentiality	36
Section 14: Funding and Accountability	41
Section 15: Paraprofessionals	43
Section 16: Re-Entry Criteria	43
Return from Soft Closure	43
Extended School Year	45
Section 17: Miscellaneous	46
Relief from IDEA Requirements	46
Progress Monitoring	46
Juvenile Detention Centers	47
Resources	49

Section 1: Child Find

1 How do school closures affect districts' child find obligations?

School districts have an ongoing child find obligation to locate, identify and evaluate students suspected of having disabilities. Similar to summer break, school closure due to the COVID-19 virus does not cause the child find obligation to cease. However, it may be necessary to postpone child screenings due to the virus.

2 How should Child Find be conducted this spring?

School closure, due to the COVID-19 pandemic, does not alter the child find obligation but may change how it occurs. Districts may wish to include information in the child find notices that screenings and evaluations for children referred under Part C may occur through virtual means. However, a parent may choose to not participate in an evaluation or assessment by means other than face-to-face, in which case the assessment or evaluation must be postponed until the evaluation can be conducted in person.

Section 2: Waivers of IDEA Requirements

1 Can the SDE provide flexibility on timelines for annual reviews, reevaluations and initial eligibilities?

No, the SDE does not have authority to waive IDEA timelines or requirements. On March 21, 2020 OCR/OSEP issued joint guidance through a Supplemental Fact Sheet on IDEA timelines but did not indicate that required timelines can be waived. The language below is quoted directly from fact sheet:

Individualized Education Programs (IEPs)

If a child has been found eligible to receive services under the IDEA, the IEP Team must meet and develop an initial IEP within 30 days of a determination that the child needs special education and related services. 34 C.F.R. § 300.323(c)(1).

IEPs also must be reviewed annually. 34 C.F.R. §300.324(b)(1). However, parents and an IEP Team may agree to conduct IEP meetings through alternate means, including videoconferencing or conference telephone calls. 34 C.F.R. §300.328. Again, we

encourage school teams and parents to work collaboratively and creatively to meet IEP timeline requirements.

Most importantly, in making changes to a child's IEP after the annual IEP Team meeting, because of the COVID-19 pandemic, the parent of a child with a disability and the public agency may agree to not convene an IEP Team meeting for the purposes of making those changes, and instead develop a written document to amend or modify the child's current IEP. 34 C.F.R. §300.324(a)(4)(i).

Initial Eligibility Determination

An initial evaluation must be conducted within 60 days of receiving parental consent under IDEA, or within the state established timeline within which the evaluation must be conducted. 34 C.F.R. § 300.301(c). Once the evaluation is completed, IDEA does not contain an explicit timeline for making the eligibility determination but does require that the IEP be developed in accordance with 34 C.F.R. §§ 300.320-300.324 (34 C.F.R. § 300.306(c)(2)).

Reevaluations

A reevaluation of each child with a disability must be conducted at least every three years, unless the parents and the public agency agree that a reevaluation is unnecessary 34 C.F.R. § 300.303(b)(2). However, when appropriate, any reevaluation may be conducted through a review of existing evaluation data, and this review may occur without a meeting and without obtaining parental consent, unless it is determined that additional assessments are needed. 34 C.F.R. §300.305(a). A Supplemental Fact Sheet Addressing the Risk of COVID-19 (OCR/OSEP 3/21/20).

2 Because we are meeting with parents by means other than face-to-face, it is more difficult to obtain parent signatures. Can school staff obtain parent signature for Medicaid consent orally at this time?

No. Schools are required by federal law to obtain written parental consent prior to accessing Medicaid on behalf of the child. 34 CFR 300.154(d)(2)(iv).

Are we okay to write on the IEP and/or Eligibility Report that the parent participated by phone or do we need a signature?

Schools are required by federal law to obtain prior written consent from the parent for an initial evaluation, reevaluation (unless an exception applies) and for initial placement in special education. 34 CFR 300.300. These requirements have not been waived, although there is flexibility on how the parent signature is received, including by electronic signature. Additionally, some Idaho school districts require eligibility team members to sign the Eligibility Report. In this case, best practice would be to obtain team member signatures for the Eligibility Report, unless not feasible to do so. If signatures are not obtained, the attempts to obtain signatures should be documented.

Section 3: Free and Appropriate Public Education (FAPE)

OSEP Guidance

On Saturday, March 21, 2020, the Office for Civil Rights (OCR) and the Office for Special Education and Rehabilitative Services (OSEP) issued a joint guidance entitled *A Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities*. It is important for school personnel to read the entire Supplemental Fact Sheet for a complete understanding of the guidance provided. The language below sets forth quotes from the Supplemental Fact Sheet.

OCR/OSERS addressed what it viewed as a "serious misunderstanding" regarding the provision of virtual education:

"At the outset, OCR and OSERS must address a serious misunderstanding that has recently circulated within the educational community. As school districts nationwide take necessary steps to protect the health and safety of their students, many are moving to virtual or online education (distance instruction). Some educators, however, have been reluctant to provide any distance instruction because they believe that federal disability law presents insurmountable barriers to remote education. This is simply not true. (Emphasis original). We remind schools they should not opt to close or decline to provide distance instruction, at the expense of students, to address matters pertaining to services for students with disabilities. Rather, school systems must make local decisions that take into consideration the health, safety, and well-being of all their students and staff.

To be clear: ensuring compliance with the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and Title II of the Americans with

Disabilities Act should not prevent any school from offering educational programs through distance instruction." (Emphasis original).

2 OCR/OSERS provided further guidance regarding FAPE:

"School districts must 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. In this unique and ever-changing environment, OCR and OSERS recognize that these exceptional circumstances may affect how all educational and related services and supports are provided, and the Department will offer flexibility where possible. However, school districts must remember that the provision of FAPE may include, as appropriate, special education and related services provided through distance instruction provided virtually, online, or telephonically."

National Emergency and the Provision of Educational Services

3 OCR/OSERS acknowledged that schools may not be able to provide all services in the manner they are typically provided:

"The Department understands that, during this national emergency, schools may not be able to provide all services in the same manner they are typically provided. While some schools might choose to safely, and in accordance with state law, provide certain IEP services to some students in-person, it may be unfeasible or unsafe for some institutions, during current emergency school closures, to provide hands-on physical therapy, occupational therapy, or tactile sign language educational services. Many disability-related modifications and services may be effectively provided online. These may include, for instance, extensions of time for assignments, videos with accurate captioning or embedded sign language interpreting, accessible reading materials, and many speech or language services through video conferencing."

Federal Law Allows Flexibility

4 OCR/OSERS emphasized that federal disability law allows for flexibility:

"It is important to emphasize that federal disability law allows for flexibility in determining how to meet the individual needs of students with disabilities. The determination of how FAPE is to be provided may need to be different in this time of unprecedented national emergency. As

mentioned above, FAPE may be provided consistent with the need to protect the health and safety of students with disabilities and those individuals providing special education and related services to students. Where, due to the global pandemic and resulting closures of schools, there has been an inevitable delay in providing services – or even making decisions about how to provide services - IEP teams (as noted in the March 12, 2020 guidance) must make an individualized determination whether and to what extent compensatory services may be needed when schools resume normal operations."

The Provision of Distance Instruction to Students with Disabilities

5 OCR/OSEP identified various ways in which distance instruction can be made accessible to students with disabilities:

"Finally, although federal law requires distance instruction to be accessible to students with disabilities, it does not mandate specific methodologies. Where technology itself imposes a barrier to access or where educational materials simply are not available in an accessible format, educators may still meet their legal obligations by providing children with disabilities equally effective alternate access to the curriculum or services provided to other students. For example, if a teacher who has a blind student in her class is working from home and cannot distribute a document accessible to that student, she can distribute to the rest of the class an inaccessible document and, if appropriate for the student, read the document over the phone to the blind student or provide the blind student with an audio recording of a reading of the document aloud.

The Department encourages parents, educators, and administrators to collaborate creatively to continue to meet the needs of students with disabilities. Consider practices such as distance instruction, teletherapy and tele-intervention, meetings held on digital platforms, online options for data tracking, and documentation. In addition, there are low-tech strategies that can provide for an exchange of curriculum-based resources, instructional packets, projects, and written assignments."

School Closure

Our district has/is considering closing school because of COVID-19. Must educational services be provided to special education students if schools are closed?

No. "If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during the same period of time." Q & A COVID-19 Guidance (OSEP 3/20), Q/A A-1.

Our district has/is considering closing school buildings because of COVID-19 and providing educational opportunities through on-line programs. Must on-line educational services be provided to special education students?

Yes. "If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. . . SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each child with a disability can be provided the special education and related services identified in the student's IEP [or Section 504 plan]." Q & A COVID-19 Guidance (OSEP 3/20), Q/A A-1.

Our district is considering having the last day for new assignments/activities to be 2 weeks prior to the end of our school year. If gen ed teachers are able to do this and students are considered "done with school," would we still be obligated to continue to provide SPED services until the end of the school calendar year?

Students with disabilities must be provided equal access to educational services. If a district shortens its school year and does not provide any educational services to the general student population, it would not be required to provide services to students with disabilities during that same period of time. Once school resumes, students' IEP teams would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements. Q &A COVID-19 Guidance (OSEP 3/20)Q/A A-1.

Compensatory Education

9 What is compensatory education for a student?

Compensatory education is defined as an appropriate equitable remedy designed to deliver services to a student that should have been received to provide FAPE. The particular form of compensatory education will vary on a case-by-case basis. "There is no obligation to provide a day-for-day compensation for time missed. Appropriate relief is relief designed to ensure that

the student is appropriately educated within the meaning of the IDEA." *Parents of Student W v. Puyallup School District*, 21 IDELR 723 (9th Cir. 1994).

Once school is back in session after a school closure, do special education students have a right to compensatory education?

Once school is back in session, students' IEP teams and 504 teams "would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements." Q & A COVID-19 Guidance (OSEP 3/20), Q/A A-1.

11 Do different requirements come into play depending on how long school is closed?

OSEP looks at whether the closure is for an "extended period of time" which is generally more than 10 consecutive school days. "If a child does not receive services after an extended period of time, a school must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost." Q & A COVID-19 Guidance (OSEP 3/20), Q/A A-2.

12 If school is in session, but a student with disabilities is absent for an extended period of time due to being infected with COVID-19, what must occur if no special education and related services were provided?

"If a child does not receive services after an extended period of time, a school must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost." Q & A COVID-19 Guidance (OSEP 3/20), Q/A A-2.

At this time our school district is not providing educational services for any student population although staff would like to send learning packets home. Can we send learning packets home that won't be graded or required (much like summer packets) even though some students may not be able to fully access the materials because they may need materials read aloud or their parent may need to do the activities with them?

If learning packets are provided to all students for continued learning opportunities, the district must ensure that students with disabilities also have equal access to the same opportunities, including the provision of a free appropriate public education (FAPE). To the greatest extent possible, districts must ensure that each student with a disability can be provided the special

education and related services identified in the student's IEP. To meet this obligation, staff must look at the individual needs of a student and what the student's IEP provides for appropriate instructional supports and services. Staff must consider whether each student with disabilities can access the information in the learning packets, and if not, whether additional supports are necessary to complete the work. It is an individual determination based on the needs of each student.

14 Is compensatory education the same as Extended School Year (ESY) services?

No, compensatory education is very different from ESY services.

Compensatory Education

Compensatory education is defined as an appropriate equitable remedy designed to deliver services to a student that should have been received to provide a free appropriate public education (FAPE). The particular form of compensatory education will vary on a case-by-case basis. "There is no obligation to provide a day-for-day compensation for time missed. Appropriate relief is relief designed to ensure that the student is appropriately educated within the meaning of the IDEA." *Parents of Student W v. Puyallup School District*, 21 IDELR 723 (9th Cir. 1994).

It is important to understand that compensatory education must not take away from or replace existing special education services. In determining appropriate compensatory education due to school closure, the IEP team must review a student's IEP, determine what educational services the student didn't receive due to school closure, and determine the educational services (compensatory education) needed to ensure the student receives FAPE.

Once the compensatory education for a particular student is identified, a plan should be discussed and developed identifying how the educational services will be provided. Various discussions may include: Is there existing free time during the school day to provide the services? Should the school day be lengthened? Should the school week be lengthened? Should the school year be lengthened, going into summer? Should the compensatory education be provided during the next school year, and if so, how?

Make sure prior written notice is provided to the parent in a timely fashion, setting forth the IEP team's determination regarding compensatory education, and if possible, include the plan developed to provide the compensatory education.

Extended School Year (ESY)

The goal of ESY services is to assist students with disabilities with the emergence and maintenance of specific IEP goals addressed during the school year. ESY services must be considered in light of the totality of the circumstances. Decisions regarding ESY services must be based on student performance data and written documentation, and the services must be clearly described in a student's IEP. For a further discussion of ESY criteria please refer to the Idaho Special Education Manual 2018, Chapter 5, p. 79-81.

15 What is the cleanest pathway to cover ourselves during long-term closures if we don't provide services to students beyond a written notice indicating that services would resume when school is back in session due to the Coronavirus?

If educational services are not provided to all students, services are not required to be provided to students with disabilities. In this scenario, the written notice should also indicate that the IEP team will convene once school is back in session to review what, if any, compensatory services might be needed for an individual student.

If we have parents who are completely disengaged with assisting us with supporting their students, I would have teachers document their efforts to assist the students. However, aren't their serious concerns with putting the burden of educating students onto the parents even if we provide educational materials? Other than documenting our efforts how else can we insulate and protect ourselves under the circumstances?

While all parents are being asked to assist in the education of their children at this time since most schools have been closed or are only providing limited services due to the COVID-19 virus, students with disabilities continue to have additional rights. Schools must ensure that students with disabilities have equal access to the same opportunities as nondisabled students, including the provision of FAPE, to the greatest extent possible. If it is not possible to provide equal access, or the provision of FAPE, the IEP team must take that into account when determining whether compensatory education is appropriate.

17 What is the cleanest pathway to protect ourselves if we proceed with an emphasis on remote learning? Is there really a clean pathway here since this is the most likely direction of our district?

It is important to ensure that staff is documenting the efforts being made to provide each student with equal access and the provision of FAPE, on an individualized basis.

18 Will IEP teams have to meet on every student once school is back in session to determine if there is a need for compensatory education? If schools are not back in session until fall 2020, do teams need to make a determination on compensatory education at that time, or do we just start the new school year?

The determination as to whether compensatory education is appropriate, and if so, what it will be, must be made on an individualized basis by each student's IEP team. Some of the scenarios that could come into play include:

- Schools remained open and students with IEPs received FAPE as identified on their IEPs.
 An IEP team meeting to discuss compensatory education is not required.
- Schools closed and some educational services were provided to all students. Students
 with IEPs continued to receive all the special education and related services identified in
 each student's IEP. An IEP team meeting to discuss compensatory education is not
 required.
- Schools closed and some educational services were provided to all students. Students
 with IEPs received some, but not all, of the special education and related services
 identified in each student's IEP. An IEP team meeting should be held to discuss the
 student's progress, whether compensatory education is appropriate, and if so, what the
 compensatory education will be.
- Schools closed and no educational services were provided to students. An IEP team
 meeting should be held to discuss the student's progress, whether compensatory
 education is appropriate, and if so, what the compensatory education will be.

Whenever school is back in session, whether it is spring or fall 2020, the IEP teams should begin communicating with parents regarding convening IEP team meetings to discuss compensatory education. In the event a parent indicates they are not interested in compensatory education, a written notice should be provided to the parent outlining the offer to meet and the parent's decision on the matter. Q & A COVID-19 Guidance (OSEP 3/20), Q/A A-1; Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students (OCR 3/16/20).

19 If a student graduates or ages out (turns 21 this semester) during the time of school closure or alternate service delivery, is the IEP team obligated to meet once school resumes to consider compensatory education for that student, even though the student may no longer be attending school?

Yes. Remember, the purpose of compensatory education is to provide an appropriate remedy designed to deliver services to a student that should have been received to provide FAPE and will vary on a case-by-case basis. *Parents of Student W v. Puyallup School District*, 21 IDELR 723 (9th Cir. 1994).

20 Compensatory Education for Early Childhood Special Education

Pursuant to the guidance from OCR, if a preschool student does not receive services after an extended period of time, the student's IEP team must make an individualized determination whether and to what extent compensatory services are needed.

21 If a parent declines services within the hours that services can be reasonably provided is their child eligible for compensatory services?

It depends. There may be a variety of reasons that a parent declined services during the soft closure of schools. Unless the parent indicates they do not want compensatory education once school is back in session the student's IEP team "would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements." Q & A COVID-19 Guidance (OSEP 3/20) QA A-1.

22 Do general education teachers have a role in determining the educational services provided to students with disabilities during the soft closure of schools?

Yes. General education teachers have an especially important role in determining the educational services provided to students with disabilities assigned to their classes. In order to determine whether compensatory services are appropriate for a particular student with a disability, the IEP team must first determine what instruction was received by similarly situated general education students during the soft closure. That information in most cases will come from the general education teachers.

For example, Suzie is on an IEP for resource room help due to a learning disability and is in the regular 4th grade classroom for the majority of the day. The IEP team will need detailed information from the 4th grade teacher regarding what instruction was provided to his 4th grade classroom since the soft closure was ordered by the Idaho State Board of Education. The

classroom teacher's participation and input in the IEP team meeting will also be especially important. Based on the instruction provided by the classroom teacher to all students, including Suzie, and the interventions provided to Suzie by the special education teacher, the IEP team will review Suzie's IEP and the data collected to determine whether Suzie was able "to make progress in light of the child's circumstances." *Endrew F. v. Douglas County Sch. Dist. RE-1*, 69 IDELR 174 (U.S. 2017). If the IEP team determines that Suzie made appropriate progress in light of the circumstances, compensatory services may not be necessary. On the other hand, if Suzie did not make appropriate progress, the IEP team will determine the necessary educational interventions.

- 23.1 Can compensatory services be addressed at the annual IEP meeting for each student, rather than right at the beginning of the school year? For example, Johnny's IEP is due in January. Johnny's teachers work to get him caught up during the school year, so at his annual IEP meeting the team knows they need to determine Comp Ed and can make that determination at that time. We would like to make it a requirement for any annual IEPs due during the 2020-2021 school year.
- 23.2 To be clear, do we need to have an IEP meeting for every student once (if) we get back to school to determine if compensatory services will need to happen? If so, what will be the timeline to get that done?
- 23.3 What are your recommendations in regard to providing compensatory services during the summer months or waiting until the fall when school starts.

During the soft closure, Idaho school districts have been required to provide equitable access to general education opportunities and continue to provide FAPE to students with disabilities to the maximum extent possible. In spite of the best efforts and creative means by staff to provide educational services, some students may not have received FAPE due to the exceptional circumstances caused by the COVID-19 pandemic. Because of this, each student's IEP team is required to make an individualized determination as to whether and to what extent compensatory services are needed. Q&A, Q. A-1.

The purpose of compensatory services is to remedy any inability to provide a student with a disability with appropriate services during the time the student was entitled to FAPE. The determination as to whether compensatory services are appropriate is made based upon a totality of the circumstances. Such services, if needed, are intended to place the student in the position she would have been in had the inability to provide FAPE not occurred.

If the IEP team determines compensatory services are appropriate, those services are in addition to services set forth on the student's IEP. Thus, the determination as to whether compensatory services are necessary should occur as soon as is reasonably possible. If a student's annual IEP meeting will occur shortly after school starts in the fall, the team should discuss compensatory services at that time. Otherwise, the IEP team should convene shortly after the start of school in the fall (or earlier if possible) to discuss compensatory services.

There is no requirement that IEP teams must wait until school is back in session before meeting to discuss compensatory services. If it is possible for IEPs team to meet in the near future and determine what, if any, compensatory services are appropriate for individual students, those services could be provided during the summer months. However, it is important not to confuse compensatory education with ESY services.

Contingency IEPs

Do we need to amend all IEPs (and 504 plans) to include a contingency plan for school closure which may include homework packets and e-learning and also make sure we change the location of services to online?

No, all IEPs do not need to be amended to include a contingency plan. The OSEP guidance provides that "IEP teams may, but are not required to, include distance learning plans in a child's IEP that could be triggered and implemented during a selective closure due to a COVID-19 outbreak." The guidance further states: "Creating a contingency plan before a COVID-19 outbreak occurs gives the child's service providers and the child's parents an opportunity to reach agreement as to what circumstances would trigger the use of the child's distance learning plan and the services that would be provided during the dismissal." Q & A COVID-19 Guidance (OSEP 3/20), Q/A A-5.

25 If school is closed, can a student's IEP team consider a distance learning plan in the student's IEP as a contingency plan?

"Yes. IEP teams may, but are not required to, include distance learning plans in a child's IEP that could be triggered and implemented during a selective closure due to a COVID-19 outbreak." Q & A COVID-19 Guidance (OSEP 3/20), Q/A A-5.

Extended School Year Services

In light of the soft closure being extended to the end of the [school] year, I'm wondering how should we proceed with discussions around ESY discussions at our Annual Reviews with the current uncertainty? Are there alternative models or options to consider if we need to change our approach during the summer?

ESY services continue to be required and must be made available to assist those students with disabilities with emergence and maintenance of specific IEP goals, as determined by the IEP team. Each IEP team will need to discuss the ability of the district to provide the ESY services identified. Factors to take into consideration include the current status of soft school closures as ordered by the Idaho Board of Education and each local school district, and if necessary, the ability of staff to provide ESY services through an alternative mode of delivery. Provide Written Notice to parents regarding the decisions made. If the circumstances are such that ESY services cannot be provided, Written Notice should set forth the reasons why.

We have many students who have been identified as needing ESY services during long school breaks. If schools are closed for 4 weeks or more, do we need to consider whether those students need ESY during the break?

OSEP has not provided any guidance on ESY services, other than to make it very clear that compensatory education is not ESY. Further, during OSEP's webinars and in its written guidance, there has been discussion of providing compensatory education to make up for the lack of certain services during school closures due to the COVID-19 virus, there has been no discussion that ESY must be a consideration. Q & A COVID-19 Guidance (OSEP 3/20).

Transfer Students

Our district was recently informed that a student is moving into our district and will be transferring to one of our schools in the next few weeks. With the district's schools currently in a soft closure, must we enroll the student? Does it make a difference whether the student is transferring from an in-state or out-of-state school?

The Idaho Board of Education's order for a "soft closure" of schools has resulted in regular school not being in session, and the school day being redefined from in-person school operations to school operations that use on-line, virtual, or distance learning. Since some educational services continue to be provided to all students, the timelines discussed below

pertaining to transfer students (both in-state and out-of-state) must be met to the extent feasible, as the administrative rules do not provide a waiver of timelines. It will be important to document staff attempts to request and receive education records from the prior school, communicate with parents regarding the transfer process, and provide Written Notice to parents when required. As a reminder, the student transfer provisions include:

In-State Transfer Student

When a student with a current IEP transfers from one Idaho school district to another, the student is entitled to continue to receive special education services. The new school must request the eligibility documents and current IEP within 2 school days from the student's previous school. Within 14 calendar days the new school must request the full educational record of the transferring student from the prior school. Manual 2018, p. 90-91. The new school district may accept and implement the existing IEP or may convene an IEP team meeting to develop a new IEP. If a new IEP cannot be developed within 5 school days, or if the district wishes to reevaluate the student, an interim (short-term) IEP must be implemented pending development of a standard IEP. IDAPA 08.02.03.109.04.e.

Out-of-State Transfer Student

When a student with a current IEP transfers from an out-of-state school, a copy of the student's most recent eligibility documentation and IEP must be requested within 2 school days. Within 5 school days of receipt of the eligibility documentation and IEP, the school shall determine if it will adopt the existing eligibility documentation and IEP. If the school disagrees with the existing eligibility determination, or if documentation is not available within a reasonable time period, consent for an initial assessment shall be sought. While the assessment and evaluation is in process, the school may implement an interim IEP if the parent agrees. If the parent does not agree to an interim IEP, the student shall be placed in general education. IDAPA 08.02.03.109.04.f.

We received a new transfer student for whom we have not yet received records. Mom says that she thinks the student is on an IEP. Do we wait to provide services once we know there is an IEP and have it in our hands so we know what we need to provide for services? Mom was unclear on what had been done and what area it is in. She doesn't have a copy handy that she can provide me.

In the event the records are not received in a timely fashion, the school should offer to evaluate the student, as the district has been informed the student has a disability. The evaluation timelines should be followed, to the extent feasible. Written Notice and procedural safeguards must be provided to the parent.

Section 4: Special Education Evaluation & Reevaluation

1 What should we do if we are in the middle of an initial evaluation and school is closed?

The Idaho Special Education Manual 2018 (Manual) addresses this issue: "The time between receiving written consent for initial assessment and eligibility determination cannot exceed sixty (60) calendar days, excluding periods when regular school is not in session for five (5) or more consecutive school days." (Emphasis added) Chapter 4, Section F, p. 36.

Additionally, in unusual circumstances, all parties may agree in writing to an extension of the 60-day period for an initial assessment. Manual, Chapter 4, Section F, p. 36.

2 What should we do if we are in the middle of a reevaluation and school is closed?

March 16, 2020, the Office for Civil Rights provided guidance on this issue. The guidance provides:

"IEP teams are not required to meet in person while schools are closed. 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." Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students (OCR 3/16/20).

So if we needed face-to-face for an evaluation but could not do it because of COVID-19 closure would we get consent when school is back in session and test? Would a new eligibility meeting and new three-year timeline begin at that time? Would a new IEP meeting and new IEP be developed at that time?

The school closure doesn't change the three-year reevaluation timeline or the annual IEP review dates. Please review the IDEA Timelines discussion set forth in the *Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities* (OCR/OSERS 3/21/20).

- 4.1 Is the State Board of Education's (SBE) "soft closure" considered a school closure for 60-day timeline purposes, even if an LEA is delivering some sort of ongoing educational opportunities for all students during the soft closure?
- 4.2 For initial evaluations, when we are providing distance instruction/learning opportunities to students it seems school may be considered "open" even though our buildings are closed. Could you provide some clarification on what this means with regard to the state guideline that doesn't count 5+ consecutive school days in the 60-day timeline for initial evaluations?

The Idaho Special Education Manual provides that the 60-calendar-day timeline for conducting an initial evaluation does not include periods when *regular school* is not in session for 5 or more consecutive school days. The SBE's order of a "soft closure" has resulted in regular school not being in session, for most brick and mortar schools. However, if a particular school provided virtual education prior to the SBE's order for a "soft closure," and little has changed on how the school is providing services, then the 60-calendar-day timeline may still be in force. *Manual*, Chapter 4, Section 3.F, p. 36.

- If a student is currently under the eligibility category Developmental Delay, and will be aging out of this category prior to school returning to the classroom, how do teams proceed?
 - The disability category of "developmental delay" may only be used for students ages 3 until their 10th birthday. To the extent feasible, a school should continue to use the existing process to determine whether a student meets the eligibility criteria for another disability category before age 10, including holding an IEP team meeting and evaluating the student, as appropriate. If, due to the soft school closure, it is not possible to evaluate the student, parents should be informed through Written Notice of the individualized situation for the student and that the student will continue to receive the services on the Student's IEP pending the ability to evaluate and determine continued eligibility.
- If we had a three-year reevaluation scheduled but we were unable to complete a necessary face-to-face evaluation prior to the soft closure of school, do we need to hold a new eligibility meeting and establish a new eligibility completion date when we return to school?
 - No. When it was determined that the re-evaluation could not be completed due to the need for face-to-face assessments and the inability to conduct such assessments due to the COVID-19 pandemic, Written Notice should have been provided to the parent explaining why the evaluation could not be completed at that time. If Written Notice has not yet been provided, it

should be provided at this time. Once school is back in session the face-to-face assessments should be completed in an expedited fashion, if possible.

Our district is looking at moving into reopening evaluations face-to-face. However, if the decision is made not to do so and rating scales are sent to this year's teachers and parents for current data will this action initiate the evaluation timeline?

Yes. Informed written consent must be obtained from a parent before a district conducts assessments as part of an initial evaluation. Written consent must also be obtained for a reevaluation unless the district can demonstrate through documentation it made reasonable efforts to obtain consent and the parent failed to response. Once written parental consent is received, the evaluation timeline begins. The use of rating scales as part of an evaluation requires parental consent.

If a parent requested an initial evaluation for a pre-kindergarten child with a copy of an outside evaluation, what is our responsibility to act on this at this time? Do we need to consider moving forward now using the evaluation if they say there is enough information in the outside evaluation, or can we tell the parent we will do it in the fall when school reopens?

The evaluation requirements for a pre-kindergarten student and other public school students have remained the same during the soft closure. School districts must begin the initial evaluation process for a pre-kindergarten student if the district has received sufficient information from the parent and collected virtually to determine eligibility. However, if an evaluation requires a face-to-face assessment or observation, the evaluation will need to be delayed until school reopens and face-to-face assessments can be safely conducted.

9 If we cannot complete that evaluation for a pre-kindergarten child with a disability before the end of school year, could we delay the evaluation process?

It depends. If the student is transitioning from an infant-toddler program, the obligation to have an IEP in place at the time of the student's third birthday continues to be required. If the referral came through a child-find screening activity, the district should allow sufficient time to evaluate the student prior to that child's third birthday. In the event a parent has provided signed consent for an evaluation and regular school is not in session for 5 or more consecutive school days, those days are excluded in calculating the 60-calendar-day timeline for the completion of an initial evaluation. Manual, Chapter 4, Section F, p. 36.

Section 5: IEP Development

IEP Amendment Considerations

- 1.1 Is there a reason why an IEP amendment to change placement would be required for one student and not all students given they are all transitioning from classroom instruction to home/virtual?
- 1.2 If all parents are provided Written Notice explaining the transition in instruction delivery and how that method will be delivered to support the IEP for a temporary period of time in response to COVID-19, would this then eliminate the need to amend the IEP and document a change of placement?
 - During a Webinar on March 13, 2020, the director of OSEP stated that if moving to on-line instruction is part of school closure, OSEP is not requiring the need to amend IEPs; it is an alternative mode of delivery. *OSEP Webinar*, 3/13/20.
- Our school is open. We are completing annual reviews and many of our students that receive face-to-face services are now receiving those services in a different way (online, consultation, or a reduced number of service minutes, etc.). When we complete the annual review, do we write the new IEP based on how the service is being provided during the pandemic or how the service would be provided if we were able to see students face-to-face?

The pandemic is temporary and does not drive the needs of each student. An IEP written through the annual review process must be based on the educational services necessary for that student to receive FAPE. 34 CFR 300.320.

IEP Team Membership

We are trying to do the best we can but we have held some IEP meetings through Zoom and due to "whatever" reason, a member of the team (typically a Gen Ed teacher) doesn't log on to the meeting. Can we do an excusal after the meeting? If we had teacher input in writing, would we still meet the requirement of GE teacher input/attendance?

The IDEA provides two specific exceptions to a required IEP team member's attendance at an IEP meeting if the parent and the school agree in writing. The exceptions include:

1) The attendance of the IEP team member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting; or

2) The IEP team member's area of the curriculum or related services will be discussed or modified at the meeting and the team member submits written input into the development of the IEP to the parent and other team members prior to the meeting. 34 CFR 300.321(e).

The fact situation resulting in a required member of the IEP team not participating in the meeting through Zoom or by other means must be reviewed. If the fact situation does not fall within one of the exceptions discussed in the previous paragraph, and no written agreement was signed by the parent, the IEP team meeting failed to include all required members.

Depending on the facts presented, several different options may be available to the parties as they proceed forward:

- School personnel could notify the parent that the IEP team was missing a required member when it met and ask if the parent would like to have another IEP meeting with the full team present.
- The school and the parent can agree to amend the IEP without a meeting, so long as it
 was not an annual review meeting. In this case the appropriate agreement must be
 signed by the parties.

The parties can agree to waive the requirement for that team member's attendance. If the parent agrees to waive the attendance requirement, a signed agreement from the parent must be received and input from the missing team member must be provided in writing if that team member's area of curriculum or related services was discussed or modified.

Section 6: Annual IEP

- If school is in session, but a student with disabilities is absent for an extended period of time due to being infected with COVID-19, what special education and related services must be provided?
 - It is OSEP's position that when a student needs homebound instruction because of a medical problem, as ordered by a physician, and is home for an "extended period of time," (10 consecutive school days or more) an IEP meeting is necessary to change the student's placement and contents of the IEP or, if appropriate, amend the IEP without a meeting. Q & A COVID-19 Guidance (OSEP 3/20), Q/A A-2.
- Our district has closed schools and we have IEP annual reviews scheduled during the closure. Can the annual review timelines be extended?

No. Neither the SDE nor the US Dept. of Education has the authority to waive the timeline requirements in the IDEA. Letter to Geary, OSERS 11/20/12

3 Can we conduct IEP annual review meetings telephonically or by other means?

Yes. The IDEA specifically provides that the district and the parent may agree to use alternative means of meeting participation, such as video conferences and conference calls. 34 CFR 300.328.

If we are unable to conduct the IEP annual reviews within the timelines required, what should we do?

Notify parents, through written notice, that the district is unable to hold their child's annual IEP meeting due to the COVID-19 outbreak and the closure of school. Include additional pertinent information that may be unique to your situation, such as the inability to access records due to the closure. Inform parents that their child's IEP will continue to be in place and will be implemented when school resumes until a new IEP is developed through the IEP team process.

Delivering Instruction

If we don't have access to students and we send materials or utilize an online platform is that really sufficient for SDI since we would really be depending on parents for assistance in delivery of the service through access of technology? For students with disabilities would phone calls, tutorials, etc. by case managers to regularly guide parents in working with their students on their IEP goals be sufficient during this time of emergency?

The determination as to whether SDI has been provided to each particular student during school closure or while limited school services have been provided is an IEP team determination, which is made once school is back in session. Data may need to be collected to help the IEP team determine whether compensatory education is appropriate.

When we reach out to families to determine services while the district is providing virtual services, is there flexibility on the number of "required" members of IEP team, eligibility team and 504 team meetings? Do excusal forms need to be used or can those be waived and documented in the contact log?

The SDE does not have authority to waive IDEA timelines or requirements. If certain IEP or evaluation team members are not available to participate in the meeting, the Idaho Special

- Education Manual 2018 (Manual), addresses the process for excusal. The use of excusal forms cannot be waived. See Chapter 4, Section 1, p. 31; Chapter 5, Section 1.D, p. 67-70.
- 7.1 If we can add a check box to our student management system that a parent can check that they attended their child's IEP and agree so that we do not have to try to collect signatures at this time during these virtual meetings would this meet requirements? Then send documents home when school resumes instead of using email that may not be secure to collect actual signatures?
- 7.2 What are the recommendations for getting documents signed by all participants during virtual IEP meetings?
 - For those documents requiring informed parental consent prior to taking particular action, such as conducting an initial evaluation or implementing an initial IEP, schools must take reasonable action to obtain written consent. Actions which require parental consent may not occur pending the receipt of consent. 34 CFR 300.9. Email can be utilized if the parent agrees; otherwise US mail should be used to obtain written consent. Documentation of the efforts taken to obtain consent is important to show compliance.
- With a long-term closure could we utilize the term "resources" to provide to all students, which includes activities or packets for students with disabilities for IEP Goals? Would this be an allowable pathway to provide assistance and tools to families rather than using the term alternative learning, remote learning, or being required for the provision of services? Is it sufficient if there is simply tools and resources posted on our webpages and provided by teachers in general ed and SPED as a way to support education without formally providing any services? I assume this would mean that we are not grading or terming anything as learning. Could we have a standardized guidance of language we could embed in a written notice for us to send to all students on IEPs related to the Coronavirus?

Rather than focus on the terminology used, the focus should be on what educational services or resources are being provided to all students and ensuring there is equal access to those same services or resources to students with disabilities. Rather than embedding standardized language in written notices, a flier with pertinent information related to COVID-19 could be considered.

9 What do you recommend staff say to parents who are requesting extended hours/weekends for providing teletherapy? I am concerned that we need to support our staff and their

families who are also going through this crisis and may need to teach their own children while working full time.

Staff needs to work with parents to determine a mutually-convenient time in which to provide services. If it is not possible to come to an agreement regarding the provision of teletherapy services, Written Notice should be provided to parents setting forth the efforts made by staff to come to a mutually-convenient time.

Preschool Programs

10 Are the IDEA requirements different when dealing with preschool students and special education services?

No. Under Idaho law children with disabilities, beginning at age 3, are of school age. I.C. 33-201.

11 Must school districts meet Part C to Part B timelines for referrals and have an IEP in place by a child's third birthday?

The federal requirements to ensure that children transitioning from Part C to Part B have an IEP in place by each child's third birthday have not been waived. Schools should take all reasonable efforts to comply with the requirement to develop an IEP for each child and may utilize alternative means for IEP team meetings, such as telephone or videoconferencing.

Upon receiving Part C referral information, it will be important to contact the family to discuss transitioning to Part B services. During this contact, discuss and explain potential alternative ways in which evaluations and assessments can be conducted so that the family can provide informed consent. Provide the family with Procedural Safeguards and information about how early childhood special education services might be offered during the COVID-19 crisis.

During this COVID-19 national emergency, screenings and evaluations for children referred under Part C may occur through virtual means. Ensure that all FERPA requirements are followed. First and foremost, ensure transparency with the family, gain their informed written consent if possible, and provide Written Notices as required. Document all communications with the child's family.

A family may choose not to participate in an alternative evaluation or assessment, which will result in the child's evaluation being postponed until the evaluation can be conducted in

person. When determining methods of conducting alternative evaluations it is important to consider the effectiveness of gathering information in a virtual format. Each evaluation conducted during this time should include collection and review of a body of evidence. Consider a combination of the following:

- Interviews with caregivers;
- Review of existing developmental information, including videos of the child, if available;
- Virtual observation of a play session or other routine;
- Guiding parents in simple activities that can then be reviewed together;
- Direct assessments that are able to be conducted in an interview format;
- Initial evaluation and assessments of child and family must be completed timely of receiving the consent to assess;
- Other means available to provide necessary information.

12 Early Childhood Outcome (ECO) Entrance

IEP teams should use assessments, observations, and referral information to give a student an ECO Entrance rating. If it is not feasible to give a child an anchor assessment at entrance, document what materials were used to determine the ECO rating, and provide Written Notice as required.

13 Is my assumption correct that infant/toddler referrals that need additional assessments to determine eligibility can be postponed with Written Notice?

If additional assessments need to occur face-to-face as part of the evaluation process and cannot occur because school is closed, the assessments necessary to complete the evaluation would need to be delayed. Notification to the parent of the need to delay the evaluation process should occur through a Written Notice. *Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students* (OCR 3/16/20).

Our district schools are closed. What obligation is there to meet with infant toddler service providers and hold transition meetings prior to a child's 3rd birthday?

At the age of 3 a child with disabilities has the right to special education services. It will be necessary to work with the other agencies providing infant toddler services to determine whether transition meetings can be held telephonically or by other means instead of than face-to-face.

15 Are preschool special education teachers going to need to do anchor assessments at the end of the school year?

The IEP team will meet and use available data to complete the ECO Exit rating to reflect the student's current level of performance. This information can be student work, observations, testing completed prior to COVID-19, parent or caregiver input, etc. Document in Written Notice what material was used to determine the Exit rating.

If additional assessments need to occur face-to-face as part of the evaluation process and cannot occur because school is closed, the assessments necessary to complete the evaluation would need to be delayed. Notification to the parent of the need to delay the evaluation process should occur through a Written Notice. Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students (OCR 3/16/20)

16 Transition to Kindergarten

The process for students transitioning to kindergarten will follow the same procedures as other IEP meetings and guidance outlined in the SDE FAQ. It is important to document all decisions made and provide Written Notice as required.

Section 7: Service Time & Placement

- 1 What happens if our district's schools remain open, but a student with disabilities is excluded from school due to being high risk of severe medical complications? Is this a change in placement?
 - If a student is excluded for a temporary emergency measure (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." Q & A COVID-19 Guidance (OSEP 3/20), Q/A A-4.
- How do we justify the significant reduction in service minutes beyond just stating in a written notice due to coronavirus and ensuring student and staff safety, we will provide services to the greatest extent possible to assist your student to progress on their IEP goals? Is providing a homebound model an acceptable practice without staff in the home?
 - Because special education services are determined on the individualized needs of each child, the determination as to whether services will be provided, and if so, to what extend and how the services will be provided, is made on an individualized basis, taking into consideration the resources available.

- Are we opening ourselves up from a litigation perspective regardless of how we proceed on this with our limitation of not being able to go into homes to deliver services or services provided at school?
 - It is important for schools and families to communicate and collaborate regarding special education services. The health and safety of student and staff is of utmost importance and school and district staff must act reasonably, based on the most current information available. The importance of documenting the actions taken by school and district staff cannot be underestimated and will assist in any complaint or hearing request filed by a parent.
- 4.1 What if a parent wants to waive services such as speech while the school is closed?
- 4.2 As we contact parents about the changes to delivery of services and a parent does not want those services, do we need to just note that in Written Notice?
 - Similar to when a parent declines certain special education or related services offered by a school district in the school setting, a parent may decline services being offered during the closure of school districts. Written Notice should be provided to the parent setting forth the services offered and the fact that the parent declined the services. If there is are particular reasons why the parent declined the services, those reasons should also be included in the Written Notice.
- Regarding the questions just posed, if parents do waive or decline all remote services of any kind, would the district still be obligated to consider and possibly provide compensatory education once school resumes?
 - The answer to this question depends on a variety of circumstances, including why the parents declined the services. Depending on the circumstances, an IEP team may need to review the services offered, the reasons why the parent declined the services, and determine whether compensatory education is appropriate.
- 6.1 For students with more severe needs, could the school decide to still bring a select few students to serve within the school setting?
- 6.2 I am hearing from some of our parents that the online option isn't working for our students with more severe disabilities because they are unable to interact with the device. I am assuming that we cannot make exceptions to meet in person based upon the Board of Education's (SBE) closure. Are we still compliant?

6.3 My super and I had a "lively discussion" this morning about special education services! Here is the document he sent me, which is a little different than what we have been hearing about kids in buildings. Could you clarify please?

In recognition of the wide range of services schools provide to their students and the needs of some of our special education students, schools may have students that need some in-person instruction or other limited school accesses. To meet these needs schools may still use their facilities for serving students as long as services are provided within the CDC social distancing guidelines, including small groups where the appropriate distance can be maintained between students and adults and the proper sanitization can be performed before and after individuals use the location. (Emphasis added). *COVID-19 School Operations Guidance* (SBE 3/27/20).

6.4 For students that have all day BI support, are we obligated to have the BI go to the home to support the student when the parent is trying to help the student with academics? We do have teachers sending home SEL lessons to support the desired behavior (the reason we need a BI) so would that be sufficient to address that skill/service area?

The March 25, 2020 *Order to Self-Isolate for the State of Idaho* provides that public and private K-12 schools are essential businesses and individuals may leave their residences "for the purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible." As quoted above, the Idaho State Board of Education's COVID-19 School Operations Guidance has similar language. The decision as to whether certain students can be served within the school setting or the home setting must be made by the school district and the student's parents, based on the individualized needs of the student. Any location identified for the provision of services must be designed to protect the health, safety, and well-being of the student and the district's staff or service provider. For further information on the location of services and Medicaid reimbursement, please review Idaho's *Guidelines for Providing Medicaid School-Based Services During the COVID-19 Pandemic*, dated 3/24/20.

- 7.1 What if we offer online services for all students but a special education student doesn't have accessibility?
- 7.2 Should we treat English language learner (ELL) students and special education students similar with online services? Be flexible and creative?

For all students, including students with disabilities, school and district staff must be flexible and creative. In those instances where students do not have accessibility to on-line services, other means to provide equal access to the information should be provided. *Q & A COVID-19 Guidance* (OSEP 3/20), Q/A A-1; *Fact Sheet: Addressing the Risk of COVID-19 While Protecting the Civil Rights of Students* (OCR 3/16/20), COVID-19 School Operations Guidance (SBE 3/27/20).

Section 8: Written Notice

- Should written notice be capturing frequency and duration of services provided during remote learning (e.g., 30-60 minutes per week)? Or should we focus on method and delivery of instruction? I was initially thinking to focus on keeping it simple and focusing on delivery of instruction and not getting specific with minutes but wanted to make sure.
 - The determination of whether a Written Notice will include the frequency and duration of services provided during remote learning, or whether it will only address the delivery of instruction must be made on a case-by-case basis. For example, if the frequency and duration of services may/will change for a variety of reasons, the parent should be so informed. On the other hand, if a set schedule has been established it may be appropriate to include it in the Written Notice.
- Do we amend every single IEP accompanied by written notice? Ideally with amendments, we convene IEP Teams. Would it be recommended to convene an IEP Team Meeting for every student? Under the circumstances, would the case manager calling the parent to communicate changes in IEP due to Coronavirus be adequate as long as all IEP Team members were communicated with and the parent signs off on the amendment?
 - The process for amending IEPs has not changed. An IEP may only be amended after an IEP meeting, or alternatively, if agreed upon by the parties, an amendment to modify a student's current IEP may occur without a meeting. Once the IEP has been amended, written notice must be provided to the parent.
- Is written notice sufficient without a formalized IEP amendment? I would assume amendments would have to happen to reflect the changes. Regardless, what is some standardized language we could utilize related to the Coronavirus for all students on IEPs?

Please see the response above. The process for amending IEPs has not changed. Since an IEP amendment is individualized regarding a particular student, there is no standardized language to utilize. However, districts may elect to provide parents with general information about the COVID-9 virus through a flier or other means.

In the event an IEP needs to be amended to support student access and/or participation in online learning, can those changes be agreed upon and documented within a written notice to be in effect only as long as the school district is providing schooling online?

As discussed in other questions, an IEP does not need to be amended if services are being provided through an alternative mode of service delivery. If it is determined that an IEP should be amended, the IEP amendment process must be followed, and written notice provided to the parents. In this scenario, the amendment could be similar to a contingency plan and could be for a certain duration.

- 5.1 So to clarify, we need to provide Written Notice to all special education students about the change in service delivery?
- 5.2 Can you clarify why we would need a Written Notice if this is a change for all students?
- 5.3 I have the same question regarding need for Written Notice if ALL students will be receiving online learning.
- 5.4 Should all parents of special education students be provided a Written Notice with the proposal and explanation that we will transition from the classroom to a combination of resources and deliveries that will be individualized to support the IEP in response to the COVID-19 pandemic?

While Written Notice is only required to be provided to parents whenever a district is proposing or refusing to initiate or change the identification, evaluation, educational placement, or provision of FAPE to a student, it is a useful tool for informing parents of the actions taken by schools regarding their child's special education program during the COVID-19 soft school closure. 34 CFR 300.503.

6 Can the sample letter be used in lieu of Written Notice to describe the change of service delivery?

A sample letter could be used if the district is not proposing or refusing to initiate or change the identification, evaluation, educational placement, or provision of FAPE to a student. However,

parents are familiar with the Written Notice format and it is a useful tool for informing parents of the actions taken by schools regarding their child's special education program during the COVID-19 school closure.

To me, in this situation all students got a change in instructional methodology/process. For special education, we are using Written Notice to document how parents and teachers are going to handle the current situation until school resumes back to the norms prior to these changes. If the IEP team decided that this change is going to be more long term than what is the potential in the next few weeks and months, then that is when an IEP amendment would be more appropriate, correct?

If a student's IEP team determines that a change to the student's IEP services or placement is appropriate beyond the closure of schools that has been ordered by the SBE, the student's IEP may need to be amended. For example, if virtual learning becomes part of daily instruction for a student once school is back in session, the student's IEP team will need to determine how the services are constructed within the IEP, which may require amending the IEP. *OSEP Webinar*, 3/13/20.

So we are now looking at 1,600 students going online with IEPs... Didn't the state board just make a unilateral change in placement?

The SBE did not make a unilateral change in placement, as all students have been required to leave school buildings due to the closure order. *COVID-19 School Operations Guidance* (Approved 3/23/20).

- 9.1 The OSERS guidance doesn't mandate an IEP meeting. Is it acceptable to send a blanket written notice to parents explaining the board decision and tell them their case manager will be in touch to address any concerns regarding online instruction and related services and convene an IEP meeting if necessary?
- 9.2 A lot of directors are asking for more guidance on sending written notice to all of our families. They don't want to standardize them but also want to know if they can have some parameters for how to inform parents about reduced service time during COVID-19.

Communicating with parents during school closure is paramount so that parents are informed of the actions being taken to provide all children, including children with disabilities, with educational services. However, when providing parents with Written Notice, the notice should be individualized regarding the services and facts specific to their child. 34 CFR 300.503.

- Are we required to provide the parents of all students with disabilities Written Notice that end of year assessments will not occur because they have been waived due to the exceptional circumstances brought on by COVID-19?
 - To the extend end of year assessments have been waived for all students, including students with disabilities, Written Notice is not required. The Idaho State Board of Education waived the requirement for the administration of the Idaho Standard Achievement Test (ISAT) and alternate assessments for students with significant cognitive disabilities, in English Language Arts, math and Science, in grades 3-8 and high school for the 2019-2020 school year. Further guidance can be found in the Idaho State Department of Education COVID-19 Assessment & Accountability Guidance (4/1/20), available at: https://www.sde.idaho.gov/coronavirus/COVID-19-Assessment-Accountability-Guidance.pdf.
- 11.1 I have concerns how to best disperse a Written Notice, if it is indeed needed, in addition to the parent letter and distance learning plans. At the CASE webinar last Friday (3/27/20), the attorney stated the intention of the Written Notice is for "traditional" reasons for change of placement and that a "Pandemic" is not a "traditional" reason for a District instituting distance learning. She felt the Written Notice was not appropriate...
- 11.2 If it is required to send a Written Notice then I need to know the most effective way, since all district offices and buildings are locked to all staff. To problem solve I inquired if EDPlan had a Written Notice created for COVID-19, and it does not.
- 11.3 I'm needing guidance to what was stated by the CASE attorney, and also to the sending of a "generic" EDPlan pdf written notice via email to parents and/or public posting of a "generic" Written Notice to the District website (addressed to "Dear Parent/Guardian of Special Education Student").

Attorneys will have differing opinions on whether Written Notice is required. As we know, Written Notice must be provided to a parent whenever the district proposes or refuses identification, evaluation, provision of FAPE or placement. 34 CFR 300.503.

It has been our recommendation, as best practice, to provide parents individualized information on their child's educational program through the use of Written Notice. This recommendation is made for several reasons:

- Parents are familiar with the written notice as a means to inform them of changes to their child's educational program, and changes are being made.
- We don't know what future decisions may be made as to what will be viewed as a change in placement or a change to FAPE due to COVID-19 school closures and providing services in an alternative fashion.

- OSEP stated that there may be exceptional circumstances that could affect how a
 particular service on a student's IEP is provided, and once school resumes the IEP team
 (or 504 team) "would be required to make an individualized determination as to
 whether compensatory services are needed under applicable standards and
 requirements." Q & A COVID-19 Guidance (OSEP 3/20, A/A A-1). Refusal to provide
 components of FAPE require Written Notice be provided to parents.
- Providing Written Notice addresses the individualized educational services of a particular student and will assist the team in identifying what, if any, compensatory services may be needed.

Section 9: Charter Schools

Can charter schools whose LEA is a School District go online if they can meet the needs of their SPED population even if the LEA cannot?

In the scenario above, the school district is the Local Educational Agency (LEA), and one school within the LEA – a charter school – is providing different/additional services than the rest of the schools in the district. OSEP's Q & A does not specifically address this situation but does address what must occur when a public school for children with disabilities within an LEA is selectively closed due to the possibility of severe complications from a COVID-19 outbreak. In this case, the guidance provides:

"If a public school for children with disabilities is closed solely because the children are at high risk of severe illness and death, the LEA must determine whether each dismissed child could benefit from online or virtual instruction, instructional telephone calls, and other curriculumbased instructional activities, to the extent available." Q & A COVID-19 Guidance (OSEP 3/20), Q/A A-3.

Thus, OSEP recognizes there might be unique or different circumstances that come into play among the different schools within a school district.

Section 10: Private Schools

1 What is our obligation to continue to serve students in private schools who receive services through a service plan. With the private schools moving to remote learning, we cannot continue those service plans as written, either. Are private school students entitled to

compensatory education, even though we only allocate a proportionate share of funds to them each year?

A parentally placed private school student does not have an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school. 34 CFR 300.137. Since a parentally placed private school student is not entitled to FAPE, compensatory education services would not be required, but parents should be provided Written Notice informing them that the district is unable to continue providing the services set forth in a service plan and the reasons why. If a district has not expended all of the funds for equitable services by the end of the fiscal year, the district must obligate the remaining funds for special education and related services to parentally-placed private school children with disabilities during a carry-over period of one additional year. 34 CFR 300.133.

Section 11: Procedural Safeguards

1 For IEPs conducted can we document how we provided procedural safeguards (email or postal service) vs collecting a signature?

Although districts are required to ensure that a copy of the procedural safeguards are available to parents upon initial referral or parent request for evaluation, upon receipt of the first State complaint or due process complaint in a school year, and in accordance with the discipline procedures, the IDEA does not require parent signature acknowledging receipt. 34 CFR 300.504. Documenting the process by which parents were provided the procedural safeguards and the date provided is sufficient.

Section 12: Discipline

Our district closed school due to the COVID-19 virus. Just prior to the closure, a special education student was suspended for 5 days, and the principal is recommending expulsion. Several questions have surfaced regarding this matter:

Should a manifestation determination meeting be held now, or should it occur once school is back in session?

A manifestation determination is required to be held within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student

conduct. Because schools are currently closed, a manifestation determination is not required to be held until school is back in session. A school may elect to hold a manifestation determination meeting during the school closure if the meeting does not violate the district's closure directive. However, necessary precautions must be taken to ensure the health and safety of those individuals involved in the manifestation determination meeting to prevent possible exposure to the COVID-19 virus.

2 Is there a need to add additional suspension days by the superintendent (beyond the 5 days ordered by the principal) because of the school closure?

If the suspension notice informs the parent that the suspension will occur when school is in session, there is no need to add additional suspension days because of school closure. If the notice of suspension identified specific days for suspension, the notice should be amended to inform the parent that the 5 days of suspension will occur when school is in session.

3 Can disciplinary actions, including an expulsion hearing, be held while school is not in session?

An expulsion hearing could occur while school is closed, similar to holding an expulsion during summer break, so long as the hearing does not violate the district's closure directive. However, necessary precautions must be taken to ensure the health and safety of those individuals involved in the expulsion hearing to prevent possible exposure to the COVID-19 virus.

Section 13: Confidentiality

1 How does the FERPA health or safety emergency come into play?

The health or safety emergency exception "is limited in time to the period of the emergency" and is typically intended for law enforcement officials, public health officials, trained medical personnel and parents. It is not intended to be a blanket release of PII to the public or the media. FERPA & Coronavirus FAQ (SPPO 3/20), Q. 2.

2 Must there be a specific threat for the health or safety emergency to come into play?

Yes, there must be a determination of a specific emergency not based on a generalized or distant threat of a possible or eventual emergency. "If local public health authorities determine that a public health emergency, such as COVID-19, is a significant threat to students or other

individuals in the community, an educational agency or institution in that community may determine that an emergency exists as well." FERPA & Coronavirus FAQ (SPPO 3/20), Q. 2.

3 How does a district determine there is a specific threat or safety issue under FERPA for release of records?

A district must determine, based on the totality of the circumstances, that there is "an articulable and significant threat to the health or safety of the student or another individual and that appropriate parties need the PII to protect the health or safety. When this determination is made, the district may disclose PII to the appropriate parties without consent. FERPA & Coronavirus FAQ (SPPO 3/20), Q. 2-3.

4 Is there a requirement to document the release of PII under the health or safety emergency provision?

Yes. A record must be completed and maintained in the student's education file which sets forth the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure and the parties to whom the disclosure occurred. FERPA & Coronavirus FAQ (SPPO 3/20), Q. 10

If it is learned that a student in the district is sick with the COVID-19 virus, may that information be disclosed to other students and parents in the district without prior parental consent?

Yes, but only if the information released does not identify the student, and the information disclosed would not allow a reasonable person to identify the student with reasonable certainty. FERPA & Coronavirus FAQ (SPPO 3/20), Q. 4.

Can a district provide a health department with the names, addresses, phone numbers and other information of students who are ill so that parents can be contacted in order to assess the students' illnesses?

Yes. In conjunction with health, law enforcement, or other officials, in limited situations, it may be necessary to disclose PII about a student with COVID-19 to parents or staff on a case-by-case basis. Ex: wrestler with COVID-19 who was in direct and close contact with other team members or other students in school with higher health risks. FERPA & Coronavirus FAQ (SPPO 3/20), Q. 7.

- 7 Might there be an occasion when a particular student's identity is revealed to other parents or staff under a health or safety emergency?
 - Unless the district determines there is a health or safety emergency where the health department must have the information for each student, parent consent is required. FERPA & Coronavirus FAQ (SPPO 3/20), Q. 5.
- What should a district do if the education records for various students are requested, but there doesn't appear to be an articulable health or safety emergency at the time of the request?
 - The FAQ recommends that a consent form is available for parents to sign to allow the potential sharing of information to assist with the tracking or monitoring of a COVID-19 outbreak before an emergency is recognized. The FAQ has a sample disclosure form attached. FERPA & Coronavirus FAQ (SPPO 3/20), Q. 5.
- 9.1 If students are participating online in a Google or other virtual classroom with the special education teacher, will there be a confidentiality issues if parents can see the other students?
- 9.2 I would assume doing a Google hangout with three 2nd graders would not be allowed since parents would need to be involved?
 - Utilizing a virtual classroom to instruct students will typically not violate student confidentiality, as confidentiality requirements only come into play when confidential information contained in a student's education record is revealed without prior written parental consent. Similar to having parents visit a classroom in a school building, parents observing instruction in a virtual classroom are not accessing confidential information. Teachers should not discuss a student's IEP services or other information in a student's education record when the whole class is attending the lesson virtually. *Family Educational Rights and Privacy Act (FERPA)*, 34 CFR Part 99.
- 10 If we are providing speech via ZOOM online in groups, do we need to have written consent or a HIPAA form signed at this time? Is there anything that will need to be signed, since parents may see other students?

Please review the answer to the previous question. The individuals providing the speech services to students virtually must refrain from discussing educational services listed each

students' IEP when providing services in a group setting, including via ZOOM. There is no requirement to obtain parental consent under the Health Insurance Portability and Accountability Act (HIPAA), as all student records (including medical or health records) are generally considered education records in the school setting and fall under the provisions of FERPA, not HIPAA. *Joint Guidance on the Application of HIPAA and FERPA to Student Health Records*, 119 LRP 47130 (12/19/19).

- 11.1 We have typically tried not to use Gmail to share documents surrounding the IEP with parents, as it might not be secure. In this pandemic, would it be appropriate to send the written notice or signature pages through Gmail, and document in the communication log as well?
- 11.2 Are we able to send IEPs, Written Notices, and Eligibility Reports through email?

The IDEA specifically provides that a parent of a child with a disability may elect to receive notices by electronic mail communication if that option is made available by the school. 34 CFR 300.505. Staff may wish to contact parents to determine whether they would like to receive documents through Gmail or by US Mail. Documenting all communication with parents in a communication log is best practice.

We have been contacting parents during the soft closure to determine the best means by which to get documents and school work to them. Some parents have given us their work email to use. Is there a confidentiality issue when using a parent's work email?

Possibly, depending on what information is in the email, and if other employees can access the parent's email. Sending an email to a parent's work email that does not contain personally identifiable information (PII), such as sending a parent the general schoolwork packet for their child is not a breach of confidentiality. On the other hand, sending personally identifiable documents to a parent at a work email, such as an IEP or Written Notice, which could be accessed by other employees without prior written parental consent, would violate FERPA. Letter to Stanley, 119 LRP 43518 (SPPO, 9/30/19). In order to avoid the possible breach of confidentiality, consider sending an email to the parent indicating there are confidential documents regarding their child that need to be provided to the parent and ask if the documents can be attached to an email or if the parent would prefer that the documents be mailed.

- 13.1 If we send an email to gain permission for sending confidential information by email to the parent's work email address, is the email permission enough or should we have a signed form that can be put in the student's IEP file granting the permission?
- 13.2 If the parent only has work email could we send it in a password protected email?
- 13.3 On FERPA guidance regarding attaching PII documents to an email, do we ask if we can attach PII documents to a home email, since the problems with work email access might be the same in the home setting?

Sending an email to a parent at the work email address indicating that staff would like to send confidential information to that email address and receiving the parent's approval to do so is sufficient documentation, as the parent has essentially provided consent to the use of the work email. The PII documents could certainly be sent with added protection in a password protected email upon receiving parent approval to send to the work email address.

If a parent has provided school staff with a personal email address as the address in which to receive school notifications and documents, it is reasonable to presume that PII can be sent to that email address.

14 If a parent signs an email consent and scans it back to school staff is that okay, or do we need to have the actual signed paper?

Idaho law allows for electronic signatures. "If a law requires a signature, an electronic signature satisfies the law." Idaho Code 28-50-107(d).

FERPA also provides for signature in electronic form and "signed and dated written consent" will occur if the record and signature in an electronic document: (1) identifies and authenticates a particular person as the source of the electronic consent; and (2) indicates such person's approval of the information contained in the electronic consent. 34 CFR 99.30(d).

Our district has been providing instruction to all students through the use of virtual classrooms or meetings, such as Zoom, and we have been recording the instruction. Is there a confidentiality issue with recording students in these virtual settings?

It depends. FERPA defines education records as "records that are: (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution." 34 CFR 99.3. Because of the various types of online educational services,

there is no universal answer to this question. To determine whether instructional recordings are education records, schools and districts will typically need to evaluate the use of online educational services on a case-by-case basis to determine if FERPA-protected information is implicated. Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices is a helpful resource issued by the Privacy Technical Assistance Center and is available at https://tech.ed.gov/wp-content/uploads/2014/09/Student-Privacy-and-Online-Educational-Services-February-2014.pdf.

Section 14: Funding and Accountability

If an employee who is paid out of Part B special education funds works say 4 out of the 6.5 hours they normally work, would the Part B budget be able to cover the 2.5 hours not worked or would that compensation need to come from the general fund? If we are able to pay a portion of an employee's time when they are not working out of Part B funds, is there a percentage we can pay? Say if we require a classified employee to put in 50% of their regular hours, could we pay the other 50% of their time or possibly a percentage of this time from Part B?

We have not received any formal written guidance, but the following guidance was shared with us verbally by OSEP and other TA centers.

During the H1N1 outbreak, ED has taken the following position: if the LEA has a policy of paying employees during a closure, it should follow that policy for its federally-funded staff as well. In other words, if state funds will pay state-funded staff during a closure, then IDEA funds can pay IDEA-funded staff. CCSSO Memo March 13, 2019

It all comes down to what your district will do for all other teachers during this COVID-19 crisis. If your district will pay general education teachers for hours not worked, then you can also use IDEA Part B funds to pay your special education staff for hours not worked. If it will be 50% of the time paid for all staff then the same principle should be applied to SPED staff as well.

The compensation policy implemented by the LEA during the school closure must be consistent all across the board including SPED.

If classified (SpEd paras in particular) or certified (SpEd teachers) are not able to work their full schedule while school is in a soft closure, might we expect classified and teachers to use hours not worked but paid in providing compensatory services in June when they typically are not working?

This again should be consistent with the district policy. If all teachers will provide compensatory services in June for hours paid but not worked, it will be allowable for sped staff under IDEA Part B as well. Just make sure that any decision for sped is consistent with the decision at your district. CCSSO Memo March 13, 2019

3 With the cancellation of many scheduled professional development trainings, we anticipate our carryover may exceed the allowable percentages for some of our federal funds. Will we need to request a waiver to carryover additional funds or will there be a statewide waiver?

For the IDEA Part B federal grants, there is no requirement for a maximum or minimum allowable percentage of carryover. So, LEAs are allowed to carryover up to 100% of the allocation if there is a valid reason. COVID 19 is a valid justification for a large carryover balance. 34 CFR §76.709 & 710

4 If we need to repurpose a special education or Title 1 paraprofessional for child care, how do we handle time and effort requirements?

Since the work assignment will change during the school year, the monthly Personnel Activity Report (PAR) will be the appropriate time and effort documentation for the variation of the work assignment. 2 CFR §200.430

5 Does the state have any recommendation to help district provide internet connection to students who do not have internet access at home?

A good solution could be the purchase of MiFi devices and have parents check it out from the school. The SDE uses Verizon wireless for MiFi.

6 Can we purchase materials needed for the telehealth work?

Yes, the materials are supplies purchased to provide special education and related services. 34 CFR §300.208

7 Do you think we will get flexibility on maintenance of effort for SPED like we did in 2008?

We have not yet received any guidance from OSEP regarding LEA's maintenance of effort. As soon as we receive any guidance, we will make it available.

8 How will the 1% state budget holdback for this year and 5% for next year affect LEA's special education funding?

Questions related to the state budget holdback should be directed to our Public School Finance division. Julie Oberle is the main point of contact.

They published a memo regarding the 1% state budget holdback, which can be found here: https://www.sde.idaho.gov/coronavirus/finance/Memo-1-percent-Holdback-and-Board-of-Examiners.pdf.

9 Will LEAs receive some federal funds relief for the COVID-19 crisis?

The federal government relief for COVID-19 to LEAs is the Care Act. The funds under the bill are supposed to pay for program expenses related to the crisis, including special education and related services. Special Education Directors should talk to their superintendents to make sure they get a portion of the distribution for their Special Education program, if needed.

Section 15: Paraprofessionals

If we need to repurpose a special education or Title 1 paraprofessional for child care, how do we handle time and effort requirements?

Since the work assignment will change during the school year, the monthly Personnel Activity Report (PAR) will be the appropriate time and effort documentation for the variation of the work assignment.

Section 16: Re-Entry Criteria

Return from Soft Closure

1 When can schools move from the "Soft Closure" to providing educational services in the school buildings?

On April 16, 2020, the SBE issued a document entitled "School District and Charter School Reentry Criteria (Return from Soft-Closure)". This document provides the minimum re-entry criteria that must be met in order to return to normal school operations. In addition to considering relevant local factors, the minimum reentry criteria for districts/charter schools (LEAs) currently includes:

- 1. No statewide or local social distancing restrictions are in place.
- 2. The peak of the state infection curve has passed, as determined by H&W, and a minimum of 14 days have passed from the from the identified peak. In counties with no community spread at the time state restrictions are lifted the 14 consecutive days criteria is waived for LEAs with approval by the local health department.
- 3. Approval by the local health department after review of cleaning and disinfection protocols.
- 4. Re-entry plan approved by the board of trustees identifying the following minimum school protocols:
 - a. Cleaning and disinfection protocols.
 - b. Identify and plan for vulnerable staff and students with special emphasis on persons over 60 and those who are medically vulnerable.
 - c. Identify and plan for staff duties which require close contact.
 - d. Absenteeism plan for staff and students whose parents do not feel comfortable returning the student to school, and for students who show symptoms of the coronavirus.
 - e. Communication plan for informing parents and staff of the response plans, protocols, and policies to manage the impact of the coronavirus.
 - f. Verify point of contact for each district/charter school for effective communication and collaboration with the local public health officials.
 - g. Reopening plans are reviewed in consultation with local health officials.

If an LEA is unable to meet the minimum re-entry criteria required by the SBE, can small groups of students meet with staff?

The SBE's COVID-19 School Operations Guidance issued on March 27, 2020 allows for the use of school facilities for students that need in-person instruction or other limited school access. The CDC social distancing guidelines must be followed, and proper sanitization must be performed before and after use. In the School District and Charter School Re-entry Criteria (Return from Soft-Closure) document issue on April 16, 2020, the SBE continued to recognize exceptions to the Soft Closure mandate and stated:

Exceptions to the soft closure should continue to be considered for staff and student needs, on a case by case basis, as determined at the local level (e.g. small groups of students that can be distanced in a way that meets the social distancing criteria for the purpose of proctoring exams or working one-on-one with special education students, as long as the school district or charter school has sufficient capacity to maintain hygiene and sanitation).

Extended School Year

3 How should schools address the provision of ESY services to students whose IEPs require ESY during summer 2020?

It will depend on the circumstances. If school buildings are open and operations return to normal during summer 2020, ESY services must be provided in accordance with each student's IEP. If school buildings remain closed and the district continues its "Soft Closure" each student's IEP team will need to determine what, if any, ESY services can be provided through alternative means identified in the "Soft Closure."

4 If ESY is needed, is the district responsible for transportation?

It depends. The IEP team needs to determine whether transportation is a related service for a student whose disability requires the provision of transportation in order for that student to benefit from ESY services. Each student's individual needs are the main considerations for determining whether transportation is needed. Because of the COVID-19 pandemic, ESY may look different than it has in previous years. Each IEP team must make an individualized determination, taking into account what ESY services will be provided, how they will be

provided, and where they will be provided. The IEP team will then determine whether transportation is a necessary related service.

Section 17: Miscellaneous

Our schools are closed to combat the spread of COVID-19. Can staff open up certain special education programs, such as preschool, and have parents bring their children if they choose to do so?

The determination regarding closure of schools and programs is district-specific. When all schools in a district are closed in order to combat the spread of COVID-19, it is anticipated that all programs within those schools will not provide services during the closure.

Relief from IDEA Requirements

What are some of the specific parts of IDEA requirements (Parts B and C) that your state would like to seek temporary relief from during the crisis?

If there was to be flexibility or waiver relief from IDEA it would need to come from Congress and not OSEP. Only congress has the authority to waive these requirements. We need to ensure that while we ask for temporary flexibility and waivers, we would like to see them all restored once things get back to normal. We are working fast to identify specific IDEA recommendations. NASDSE communications with National Governors Association

Progress Monitoring

We are moving to a distance learning model starting April 6th, the focus is on identifying essentials and providing student learning opportunities and that grades will not be given during this closure. If ISAT's are cancelled and gen ed students are not going to be obtaining grades, what is our obligation for IEPs to collect data/ progress monitoring on IEP goals?

The IDEA requires periodic reports be provided to parents on the progress their child is making toward IEP goals and objectives. 34 CFR 300.320 (a)(3). To the extent feasible, staff must continue collecting data for progress monitoring purposes. The progress monitoring data will not only be utilized to provide parents with accurate progress reports as identified in each student's IEP but will also provide important information if compensatory education is an issue.

We are having our teachers continue in their attempt to progress monitor through probes or built into their assignments. We are questioning the validity of the results for a variety of reasons. What is the recommendation for monitoring this? How should we report progress monitoring on progress reports at the end of the school year since the data may not be accurate? Do we need to provide progress reports at the end of the school year?

If a student's IEP states that a progress report will be provided concurrent with the issuance of report cards, then the IEP progress report would only need to be issued if report cards are also issued. If the IEP states the progress report will be issued in a different manner or frequency than report cards, schools should issue the IEP progress report in the manner required by the IEP.

Staff should be documenting the attempts to progress monitor, the attempts to contact parents, and the results of those attempts. In those instances where staff have experienced difficulties in their ability to accurately monitor students' progress, the progress reports should contain the data collected, to the extent feasible. If appropriate, the progress reports should also include a statement that the progress monitoring results may be questionable or not valid and the reasons for that conclusion.

Juvenile Detention Centers

I have recently learned that our county juvenile detention center (JDC) is not providing school for any incarcerated juveniles. Since those students are not receiving general education, is there any documentation that the LEA needs to do for students attending the JDC who are eligible for special education and are residents of our district?

This question poses two issues: 1) what educational services should students attending a JDC be receiving during the "Soft Closure"; and 2) what notification should be provided to parents of students with disabilities attending the JDC, and by which school district?

Educational Services

Idaho State Board of Education (SBE) rules provide that each Idaho school district in which a public or private detention facility housing juvenile offenders is responsible to provide an instructional program to each student no later than 2 school days after admission and be provided for a minimum of 4 hours each school day. Further, the instruction program is to be

coordinated with the instructional program at the school the student attends, when appropriate. IDAPA 08.02.02.240.01.

Students placed in detention facilities must be provided with an instructional program, although during the "Soft Closure" the instruction could shift from in-person to the use of online, virtual, or distance learning. Alternatively, the instruction could be provided in the detention classroom as long as services are provided within the CDC social distancing guidelines and proper sanitization can be performed. Further, depending on the circumstances, it may not be feasible to provide a minimum of 4 hours each school day.

Notification

If the instructional program does not provide the minimum of 4 hours daily, and a student's IEP is not implemented as written, the school district in which the detention facility is located should provide the parent with Written Notice setting forth the details regarding the student's instructional program.

Resources

U.S. Department of Education Information and Resources for Schools and School Personnel

State of Idaho Information and Resources for Schools and School Personnel

OCR Announces Notification of Enforcement Discretion for Telehealth Remote Communications
During the COVID-19 Nationwide Public Health Emergency

U.S. Department of Education Releases Webinar, Fact Sheet for Protecting Students' Civil Rights During COVID-19 Response

A Collection of SPED Resources from Around the United States

<u>Supplemental Fact Sheet: Addressing the Risk of COVID-19 in Preschool, Elementary and</u> Secondary Schools While Serving Children with Disabilities

<u>Idaho State Department of Education FAQs for Families and Parents of Students with Disabilities</u>

Please Send Additional Questions To:

Dr. Charlie Silva csilva@sde.idaho.gov

Brenda Arnold barnold@sde.idaho.gov

Idaho State Department of Education

650 W State Street, Boise, ID 83702

208 332 6800 | www.sde.idaho.gov



UPDATED March 13: The U.S. Education Department has released *Questions and Answers on Providing Services to Children With Disabilities During the Coronavirus Disease 2019 Outbreak*, 120 LRP 9718 (EDU 03/12/20). The practical advice provided below remains applicable to school districts.

School closures: How to provide FAPE to children with disabilities

As education administrators plan for school closures and disruptions to early intervention services due to coronavirus outbreaks, it is vital that those plans include specific advice on best approaches for the provision of special education supports and services to children with disabilities.

Officials with the U.S. Education Department said specific guidance for the continuation of special education services during the current coronavirus outbreak is forthcoming. In the meantime, educators and early intervention providers are reviewing a Q&A issued by the Office of Special Education and Rehabilitative Services in 2009 that addressed the H1N1 influenza outbreak. At a March 5 Senate subcommittee hearing, ED Secretary Betsy DeVos said that the 2009 guidance would not require many changes to be relevant for the coronavirus.

The 2009 document said a local educational agency must provide special education and related services to a child with a disability who is absent for an extended period of time because the child is infected, at home as a precaution, or because the school has closed for an extended period of time. In that Q&A, OSERS defined extended period of time as generally more than 10 consecutive school days.

But how do special education programs stay legally compliant with the IDEA during this current health crisis? John Eisenberg, executive director of the National Association of State Directors of Special Education, said his phone has been "ringing off the hook" with calls from directors seeking advice on providing special education services to affected students and during schoolwide shutdowns. "I think people are looking for general information to guide them," he said.

Maureen Greer, executive director of the Infant and Toddler Coordinators Association, whose members are Part C coordinators, said there have been a lot of questions from the Part C community about keeping children, families, and providers safe while still attempting to deliver services. "Everyone will do the best they can and hope families understand these extenuating circumstances," Greer said.

Jacqueline Wernz, a partner at Franczek law firm in Chicago, advises districts to consider different school closure or absence scenarios. "It's appropriate to think this through and ask what happens to students with disabilities and their IEPs when school is closed," she said.

The following are key points from the 2009 Q&A and current recommendations from the Centers for Disease Control and Prevention to keep in mind before, during, and after a school closure to impose a quarantine:

	onsider before, during, after ure to impose a quarantine
Befo	ore a quarantine
For school-age students	For infants and toddlers

✓ Keep all students and staff safe and informed. School administrators should work with local health departments to make school closure determinations.

Administrators also must work with individual families to determine if a student who is considered at high risk of severe complications should stay home as a precaution even if there is not a schoolwide shut down and how best to provide that student with services.

The CDC has interim guidance for schools and child care facilities in affected and nonaffected areas that urges school systems to collaborate and share information with local health officials to protect school communities, including people with special needs. The CDC recommends that affected individuals or schoolwide communities with identified cases of COVID-19 be self-quarantined for 14 days or longer if advised by local health officials.

✓ Involve special education administrators in planning, response. Special education representatives should be present at local and state-level planning meetings for coronavirus response and guidance development.

Special education representatives should reinforce the district's obligation to provide FAPE for students with disabilities and discuss how Part B funds may be used for the continuation of special education and related services for students with disabilities. According to the 2009 guidance, Part B and Part C funds can be used for activities that directly relate to providing continuity of special education and related services during a communitywide health crisis.

✓ Keep equality in mind. If a school is closed for a temporary emergency situation and no educational services are provided for any student, including elearning assignments and lessons, a school is generally not required to provide services for the affected students with disabilities during the same period of time, the 2009 guidance said.

- ✓ Assess health risks. Part C services take place in many different localities, including homes, child care centers, and schools. It's important for Part C providers, along with local health officials, to assess the need for closures or disruptions to services.
- ✓ Involve Part C coordinators in planning, response. Early intervention representatives should be present at local and state-level planning meetings for coronavirus response and guidance development.

Part C representatives should reinforce the state and regional obligation to provide early intervention services and discuss how Part C funds can be used for disseminating health information, developing emergency plans, or to provide alternate services. Other activities such as evaluations and assessments may also be funded.

However, if a school makes online learning available for all students during a closure, it will need to attempt to provide services for students with disabilities. If individual students are not capable of accessing distance-based learning or can't receive homebound services, the student's IEP team or Section 504 team must determine whether the student requires compensatory education to make up for skills lost while school was closed.

During a quarantine

For school-age students

- ✓ Consider alternatives to schoolbased learning. These might include homebound instruction, instructional telephone calls, online learning, homework packets, or other distancebased learning strategies, the 2009 guidance said.
- ✓ Allow IEP teams to meet virtually. IEP teams are allowed to meet virtually to confer about individual student supports. Additionally, assessments and evaluation activities that are available online should continue during a quarantine. If face-to-face meetings are required but impossible to carry out during a school shutdown or because of a student's illness, those activities will need to be delayed.
- ✓ Consider changes in placement. If the school closure is for an extended period, the LEA must consider placement decisions for students with disabilities under the IDEA's procedural protections. 34 CFR 300.115 through 34 CFR 300.116. If the team decides that a student's needs can be met through homebound instruction, then the district must issue a prior written notice proposing the change in placement. Parents can challenge this change in placement, according to the 2009 guidance.

For infants and toddlers

✓ Consider how and if services can be provided. For Part C services, if the state lead agency office closes or the local or regional early intervention office is closed, then Part C services would not be provided during that period of time. If the administrative offices remain open but services cannot be provided to one location, such as the child's home or by an individual provider, the administrative offices must ensure continuity of services by providing a different location for services, a different provider, or consultation services for families through teleconferencing or email.

After a quarantine

For school-age students

For infants and toddlers

✓ Assess progress. If a student with a disability goes without special education services for a prolonged period, IEP teams should reassess if a student has lost progress during the absence. If progress has been lost, teams will need to reassess services, advised Jacqueline Wernz, a partner at Franczek law firm in Chicago.

"Students may miss services during a crisis like this," she said. "There may be kids who aren't capable of moving forward with education at home online."

✓ **Determine need for comp ed.** The 2009 guidance said that if a child does not receive special education services during a school closure, the IEP team will need to determine whether the child requires compensatory education.

✓ **Determine need for comp ed.** For Part C services, if there is an extended period where services were not provided, the individualized family services program team must meet to determine if IFSP changes are needed and to discuss whether compensatory services are warranted. 34 CFR 303.342 (b)(1).

Sources: U.S. Education Department and the Centers for Disease Control and Prevention.

Related CDC guidance:

- What you need to know about coronavirus disease 2019 (COVID-19)
- 2019-nCoV: What the public should do
- Stop the spread of germs (COVID-19)

See also:

- Checklist: Coronavirus prevention tips
- eLearning days for inclement weather: How to plan for students with disabilities
- Suggestions to make up missed related services

Kara Arundel covers special education for LRP Publications.

March 12, 2020

Copyright 2020© LRP Publications



© LRP Publications. All Rights Reserved.

Alternate Instruction Flowchart

What type of instruction is being provided?

Virtual

Curriculum-based Activities

Instructional Phone Calls

What does this mean?

- Online learning (Google Classroom, etc.)
- Webinars
- Virtual group meetings (Zoom, etc.)
- Online instructional websites (iReady, etc.)

What does this mean?

- · Instructional Packets
- · Emailed assignments
- · Lists of suggested activities

What does this mean?

· Individual phone calls to student

IEP team considerations for EACH student:

- Is the student able to access this type of instruction (technology, etc.)?
- Is the student willing to access the instruction?
- Do the student's accommodations allow access to instruction?
- How will the student's current IEP goals be addressed?
- How will progress on goals be monitored?

IEP team considerations for EACH student:

- Is the student able to complete this type of activity?
- What level of independence does the student have?
- Do the student's accommodations allow access to instruction?
- How will the student's current IEP goals be addressed?
- How will progress on goals be monitored?

IEP team considerations for EACH student:

- Is the student able to access this type of instruction? (Verbal format only)
- How will you assess learning through this method of instruction?
- What materials will the student need to access the instruction?
- How will the student's current IEP goals be addressed?
- How will progress on goals be monitored?

For instructional resources, **CLICK HERE**.

Has the team considered the student's need for assistive technology or AEM? CLICK HERE for resources.

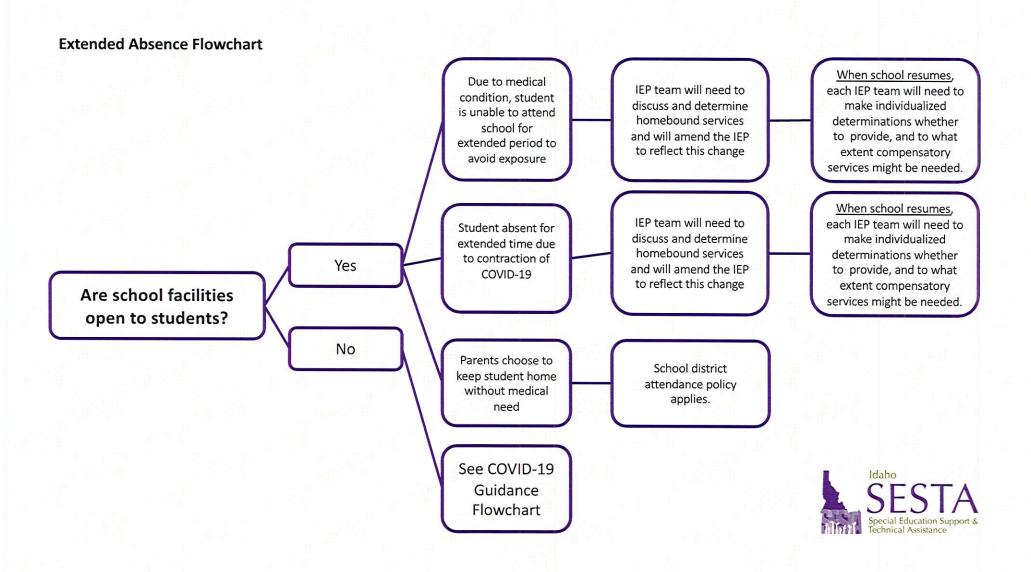
How do I document team decisions for individual students? CLICK HERE for a template.



COVID-19 Reevaluation Quick Guide



	General Guidance	Resource	
review dates. Please revie Sheet Addressing the Risk While Serving Children with If additional assessments recannot occur because scheevaluation would need to be	t change the three-year reevaluation timeline or the annual IEP with the IDEA Timelines discussion set forth in the Supplemental Fact of COVID-19 in Preschool, Elementary and Secondary Schools in Disabilities. The ed to occur face-to-face as part of the evaluation process and pool is closed, the assessments necessary to complete the edelayed. Notification to the parent of the need to delay the occur through a Written Notice.	Guidelines for Providing Special Education Services During the COVID-19 Pandemic, "Evaluations & Reevaluations"	
	Team Considerations		
My team was working on a reevaluation prior to COVID-19. We have already obtained written consent to conduct new assessments.	 Can the team determine continued eligibility based on existing data If yes, the team should consider moving forward with determinin Notice should be provided indicating the decision not to conduct areas indicated on the Consent for Assessment due to health ar and existing data and information is sufficient to determine conti If no, the team should determine whether the assessments need administered under present circumstances. If the team determines that the evaluation needs to be delayed, completed indicating the reason for the delay and that services a provided until the reevaluation can be conducted. 	g eligibility. Written new assessments in the nd safety considerations nued eligibility. ded can reasonably be Written Notice should be	
A student's reevaluation is due during the COVID-19 school closure.	lue during the COVID- continued eligibility based on existing data and information?		
My team has all the information needed to determine eligibility.	 Teams are not required to meet in person while schools are close consent to participate over the telephone or in a virtual format. If the team decides to hold a meeting via phone or virtually, ensure member verbally indicates agreement/disagreement and docume cover page of the Eligibility Report and within team meeting notes a required component when determining eligibility.) If the team decides to determine eligibility without a meeting, documember's input was gathered, and indicate agreement/disagreen team member on the cover page of the Eligibility Report. 	re that each team ent the decisions on the s. (Signatures are never ument how team	





COVID-19 IEP Quick Guide



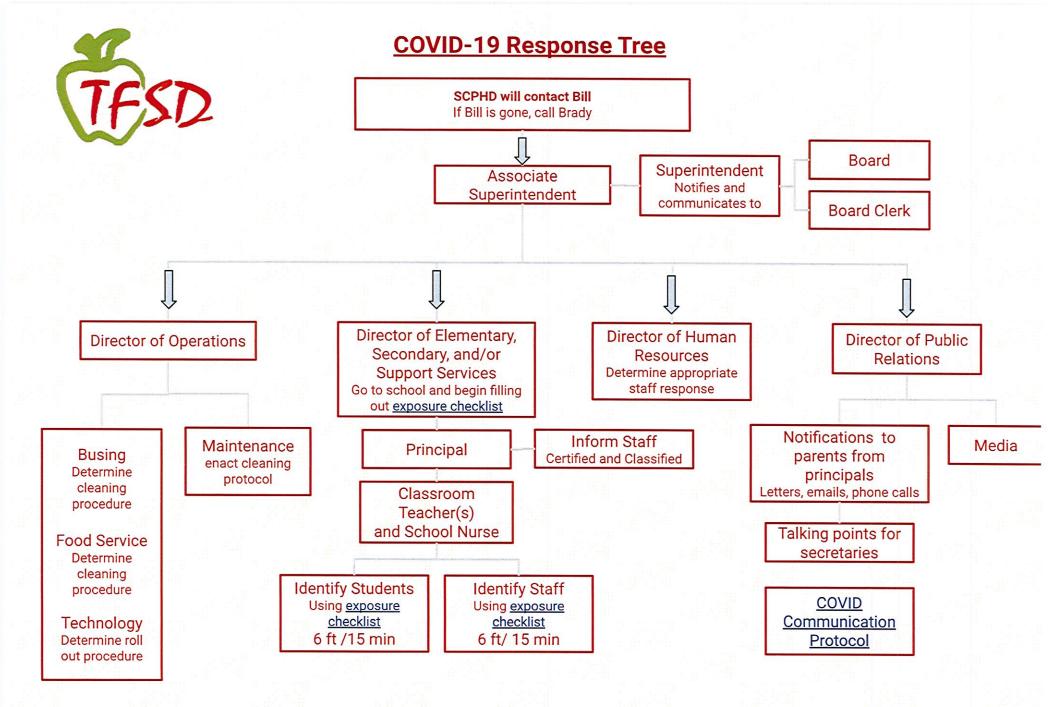
	General Guidance	Resource		
review dates. Please revie Sheet Addressing the Risk While Serving Children with IEPs also must be reviewe conduct IEP meetings thro	t change the three-year reevaluation timeline or the annual IEP with the IDEA Timelines discussion set forth in the Supplemental Fact of COVID-19 in Preschool, Elementary and Secondary Schools in Disabilities (OCR/OSERS 3/21/20) d annually. However, parents and an IEP team may agree to ugh alternate means, including video conferencing or conference encourage school teams and parents to work collaboratively and of the requirements.	Guidelines for Providing Special Education Services During the COVID-19 Pandemic, "School Closures"		
Greatively to most in the	Team Considerations			
My team is ready to develop an initial IEP.	 After an initial Eligibility, the team has 30 days to develop and imp If the team has collected baseline data for proposed goals, then the with creating a draft IEP. If the team has not collected baseline data for proposed goals, the 	then the team would proceed		
	 determine if that data could be collected virtually. If yes, the team would proceed with collecting baseline data and If no, the team should document this decision with Written Notice was unable to gather baseline data and goals were based on bes available data. The team will then amend goals as needed. 	indicating that the team		
My team has an Annual IEP Review due for a	If the team has collected baseline data for proposed goals, then the team would proceed with creating a draft IEP.			
student during the COVID-19 school closure.	 If the team has not collected baseline data for proposed goals, the determine if that data could be collected virtually. If yes, the team would proceed with collecting baseline data and If no, the team should document this decision with Written Notice was unable to gather baseline data and goals were based on besavailable data. The team will then amend goals as needed. 	creating a draft IEP indicating that the team		
My team is ready to meet to develop an IEP, but we are unable to meet in person due to COVID-19.	 Teams are not required to meet in person while schools are close consent to participate over the telephone or in a virtual format. If the team decides to hold a meeting via phone, virtually, or throuthat each team member's attendance is indicated on the cover pateam meeting notes. (Signatures are not a required component for Ensure that all required team members, including parents, are in provided input into the decision. If an IEP team member is unable to participate in the meeting, mamember provides written input prior to the meeting, if required, coand document parent's consent for the excusal. 	ugh other means, ensure age of the IEP and within or IEP meetings.) attendance or have		
My team is considering sending out a standard Written Notice to all Parents/Guardians of students with IEPs to notify them of the changes to their students' services.	 Written Notice should be sent after communication with parents in are discussed and a plan is developed. This ensures that parents decision-making process. Although some components of Written Notice may be similar for a Notice should reflect the unique needs of the student and decisio including parents. There may be a need for more than one Written Notice as the teaton temporary changes of services due to unexpected school closure require Written Notice. 	are involved in the all students, each Written as made by the team, am identifies new needs.		



COVID-19 Initial Evaluation Quick Guide



	General Guidance	Resource		
	on Manual provides that the 60-calendar-day timeline for ation does not include periods when regular school is not in session school days.	Idaho Special Education Manual, Chapter 4		
not being in session, for m provided virtual education	cion's [SBOE] order of a "soft closure" has resulted in regular school ost brick and mortar schools. However, if a particular school prior to the [SBOE]'s order for a "soft closure," and little has old is providing services, then the 60-calendar-day timeline may still	Guidelines for Providing Special Education Services During the COVID-19 Pandemic, "School Closures"		
	Team Considerations			
My team was working on a new referral prior to COVID-19. We do NOT	• If face-to-face assessments are required for this evaluation, your whether obtaining written Consent for Assessment is reasonable.			
have written consent yet.	 If no, document your decision in a Written Notice, indicating when the referral and consent process will resume. 			
	 If face-to-face assessments are not required for this evaluation, you whether you have or can gather sufficient evidence for an eligibility circumstances allow for meaningful parent participation in the evalu process. 	decision and whether		
	 If yes, written Consent for Assessment is still required, and agreement/disagreement with the Eligibility Report must be member once a decision is made 	noted for each team		
My team obtained written consent for assessment for an initial evaluation	• For schools operating in "soft closure," COVID-19 closure days ar regular school days and may be removed from the 60-day calendar eligibility determination.			
prior to school closures for COVID-19.	• If face-to-face assessments are required for this evaluation, your team may consider suspending the evaluation and resuming when <i>regular school</i> and the 60-day calendar days resume.			
	 Document your decision in a Written Notice, indicating whe assessment/evaluation process will resume. 	n the		
	If face-to-face assessments are not required for this evaluation, you whether you have or can gather sufficient evidence for an eligibility should also consider whether circumstances allow for meaningful p evaluation and eligibility process.	decision. The team		
	 If yes, the team would move forward with determining eligible. If no, the team would need to document their decision in a when the assessment/evaluation process will resume. 			
My team has completed the evaluation and is ready to determine Initial	Teams are not required to meet in person while schools are close consent to participate over the telephone or in a virtual format.	d. Parents may give		
Eligibility.	 If the team decides to hold a meeting via phone or virtually, ensur member verbally indicates agreement/disagreement and docume cover page of the Eligibility Report and within team meeting notes a required component when determining eligibility.) 	nt the decisions on the		
	If the team decides to determine eligibility without a meeting, documember's input was gathered, and indicate agreement/disagreem team member on the cover page of the Eligibility Report.			



^{*}If you hear of any probable cases contact Bill and he will communicate with South Central Health.

DO NOT contact South Central Health Department on your own.



COVID-19 Student Exposure Checklist

To be completed by the principal when there is a confirmed case of COVID-19. Please keep in mind (and remind anyone you talk with) that all information herein must be kept confidential.

Student's Name:
Student's Teacher's Names (Get their class schedule):
Symptomatic Date: 2 days prior to symptomatic date:
Did the student ride the bus 2 days prior to the symptomatic date? (If yes, what bus)
Did the student eat school breakfast 2 days prior to the symptomatic date? Yes□ No□ Not sure□
Did the student eat school lunch 2 days prior to the symptomatic date? Yes□ No□ Not sure□
Did the student participate in school-sponsored extracurricular activities 2 days prior to symptomatic?
Yes□ No□ Not sure□
List the student's friends (that you know) that may have been around student two days prior symptomatic date (within 6 feet of the student for 15 minutes or longer):
Ask teachers for seating chart(s) for classes the student attended. List the student's classmates that may have been around student two days prior symptomatic date (within 6 feet of the student for 15 minutes or longer)

based on 2 days prior to the systematic day.	Period 1 8 am to 1st recess	Period 2 1st recess	Period 3 1st recess to lunch	Period 4 lunch	Period 5 lunch to 2nd recess	Period 6 2nd recess to 3 pm	Period 7 block
What activities have you done in the student's class? Any of the following; Group Activities, Elbow Partners, circle times, etc)							
f you did group activities was the student around another student they do not normally sit by for 15 min? (please ist names)							
Were there any additional staff members within 6 ft or more than 15 minutes of the student? please list staff names)							
· -				on to be ma	ade by team	n):	
				-			
Moderate Exposure (possibly in the	same classi	oom but were	e 6 ft away <u>o</u> ,	within the 6 t	ft from the stu	ident for le