

Special Education Guidance Brief for In-Person Learning: Spring 2021

The purpose of this resource is to review guidance and recommendations to schools and families about providing in-person special education services across all grade levels, preschool to age 21. This document opens with a review of guidance, follows with a planning checklist, and closes with some related resource links.

Guidance Summary for Provision of Services to Students with Disabilities Across Instructional Models

This section is intended to provide a summary of key reminders from [Questions and Answers: Provision of Services to Students with Disabilities During COVID-19](#) to assist school districts in meeting Individuals with Disabilities Education Act (IDEA) requirements for Free Appropriate Public Education (FAPE) across instructional models. The direct Q&A references are noted in parentheses after each item.

Evaluations and Eligibility

- Districts should ensure a continued process for staff and parents to initiate a referral for a special education evaluation across instructional models when they have concerns about a student (i.e., child find). (E-5)
- Districts continue to have responsibility for providing FAPE, completing evaluations and IEPs, and transitioning students from Part C to Part B by their third birthday. (E-6)
- For decisions that require written consent from a parent (such as consent for an initial evaluation), consent provided via email or using other alternative methods is considered to be written consent as long as the parent is informed of and understands all information relevant to the activity for which consent is sought. (E-3)
- If the student is participating in remote or hybrid learning at the time the initial evaluation or reevaluation is conducted, the evaluation group may need to rely more heavily on existing data, particularly if health and safety precautions limit the district's ability to administer in-person standardized assessments. (E-5)
- If additional time is needed to complete the evaluation, the district and parents may agree to extend the 35-day timeline.¹ The extension must be documented, including the anticipated date of completion and the reason for the delay. Caution should be applied, however, to ensure that timelines are not unduly extended, taking into account that delay of potentially-necessary services could have an adverse effect on the student. (E-1)

¹ It is important to note that while the 35-school day timeline to complete an evaluation upon receipt of parent consent can be extended, the three-year timeline for completing a reevaluation and the one-year timeline for completing an IEP cannot be extended.



- For additional guidance on completing initial evaluations, reevaluations, and Part C to B transitions during the COVID pandemic, refer also to [evaluation guidance during COVID](#) developed by the Washington State Association of School Psychologists (WSASP). (E-4)

IEP Development and Implementation

- There is no exception to the requirement to provide FAPE to students with disabilities, and as the district is providing general education services to students without disabilities, then it must also provide FAPE to students with disabilities. (B-1)
- Individualized Education Program (IEP) services must be delivered to the maximum extent possible² during the pandemic across instructional models, including virtual or hybrid delivery methods if needed to comply with state and local health/safety guidelines. (A-1)
 - Students should not have reductions in IEP services on annual IEPs, except in limited cases (e.g., following an evaluation demonstrating services are no longer needed, the IEP team determines that shorter but more intensive (such as 1:1) instruction will be provided, etc.). (D-2)
 - IEP teams should document the basis for decisions to modify any services on the IEP, such as in the present levels section or in a prior written notice. (D-2)
 - Any revised services that parents choose not to access, should be documented in a prior written notice (PWN). A parents' choice to access some, but not all, services for which the student is eligible should not be confused with the parent revoking consent for services. (D-2)
- As districts implement instructional models (in-person, hybrid or remote) in line with health and safety guidelines, if a student's services will be provided as indicated on the current IEP (including the amount of time and location), an IEP amendment may not be required. (D-1)

Provision of Services

- Unless there is a state or local stay at home order in effect, districts are not prohibited from providing in-person education services to students with disabilities, even if the district has determined it will provide only remote learning to its general student population. Districts are reminded to reference current guidelines for the provision of in-person learning from the Washington State Department of Health. (A-3)
- There is no one way to provide services. Districts must determine, in collaboration with families, ways to provide services to their students and individualize these services based on individual student needs. (A-2)
- School districts will determine at a local level the degree to which in-person, online, or remote services will be made available, taking into consideration the health, safety, and equity needs of students receiving special education and maximizing inclusion. (A-1)

² Per [30 20 U.S.C. § 1401\(9\)](#)(D), IDEA defines a free appropriate public education (FAPE) as services "provided in conformity with the IEP."

- It is recommended that districts align the delivery of special education services to the general education service model(s) being implemented, with individual decisions made to address specially designed instruction and access to general education settings and instruction (A-1)

Inclusion and Least Restrictive Environment

- Students with disabilities should spend as much time as appropriate in the general education setting, particularly given the limitations of physical distancing and other health and safety requirements. Instruction should be adapted to meet the student's needs rather than the needs, or existing capacity, of the district. (A-1)

Supporting Students to Return to In-Person Learning

- Across instructional models, schools and systems should leverage the behavioral expertise of their personnel to support interventions that meet the needs of their students and the new learning environment and prioritize the immediate needs of their most impacted students. (A-2) Districts are encouraged to work with families and staff to identify and support students who may need additional behavioral interventions to support a return to in-person instruction and the expectations of the new learning environment (e.g. wearing personal protective equipment (PPE), tolerating changes in schedule, transitioning to the physical school location, increasing engagement and sustained attention).
- Some students may need additional accommodations added to their IEP to support a transition to person instruction. (A-1) Districts should also consider the need to provide all students with access to general accommodations (e.g. access to a quiet or safe mask free space, increased school-home communication, breaks and/or shortened assignments) to support them as they acclimate and adjust to the expectations of an in-person school day. These general and temporary supports will not need to be added to the IEP unless the IEP team determines that they are needed on an ongoing basis as part of the student's offer of FAPE.
- If the student does not access the educational opportunities and services made available during COVID-19, OSPI recommends the district document multiple communications with the family and attempts to address barriers to access. (A-1) Districts should continually try to reengage families and offer flexible service delivery and supports to the greatest extent possible.
- Some students and families may need additional support to transition back to in-person learning. Districts should support families in understanding the health and safety precautions being taken, resources available and how to access them and consider the need for parent training and education to help parents support their student's transition back to school.

Planning Checklist for Returning to In-Person Learning

This planning checklist is intended to support districts with the provision of special education services when transitioning to implementation of in-person learning.

Communications

- ☐ Draft and send district-wide communication regarding safety and services.
Draft and send written notice to families of all students with disabilities who are changing instructional models (in-person, hybrid or remote) to inform of any system-wide service delivery and/or scheduling changes impacting all students. This written notice should refer parents to services documented in the students' IEPs across instructional models.
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Evaluation & Eligibility Procedures

- ☐ Coordinate with teams and families to determine how and when evaluations will be completed within required timelines.
 - Review the current status of referrals for special education evaluations,
 - Review the current status of initial evaluations that are in process,
 - Review the current status of reevaluations that are in process, and
 - Plan ahead for reevaluations coming due in the next few months.
- ☐ Collaborate with your local early intervention provider agency (EIPA) and families to ensure timely transition, eligibility determination, and IEP development and implementation for students transitioning from Part C to Part B.
- ☐ If additional time is needed to complete the evaluation, coordinate with the family to document an extension to the 35-day timeline.

IEP Procedures

- ☐ Review class schedules and service provision schedules for all students with disabilities.
Plan for services to be provided in conformity with IEPs, including which students may need IEP meetings and/or IEP amendments, including transportation considerations.
- ☐ Refer to the [Least Restrictive Environment \(LRE\) Case Studies](#) resource for more information and examples.
- ☐ Coordinate with families to determine schedules, services, meetings, etc.
- ☐ Review individual Behavior Intervention Plans (BIP) to ensure that students have access to their behavior interventions and that behavior interventions are responsive to the learning environment, school expectations and emergent student need.
- ☐ Update systems for collecting, integrating, and sharing progress monitoring data for students with parents in conformity with the IEP.
- ☐ Prioritize planning for seniors and students turning age 21, including High School and Beyond Plans (HSBPs), graduation pathways, agency linkages, etc.

Learning Management Systems

- ☐ Continue to review and update the district's Learning Management System (LMS) to ensure it meets the accessibility needs of students and families across all instructional models.
- ☐ Review and update procedures to routinely examine individual students' accommodations and modifications needed and ensure that students have access to these as specified in the IEP.

Staffing and Scheduling

- ☐ Restructure staff schedules to transition to in-person service provision and inclusive access.
- ☐ Preserve time for staff collaboration and planning across content areas.

Student Engagement and Social & Emotional Learning

- ☐ Review universal screening systems to ensure they include and are responsive to the needs of students with disabilities transitioning to in-person instruction.
- ☐ Develop district and building systems to collect, analyze, and intervene on student and building level engagement data, including procedures for supporting individual students and families with engagement across instructional models.

Related Resources

Federal Special Education Guidance

- [Part B Implementation of IDEA Provision of Services in the Current COVID-19 Environment Q&A Document](#) (September 28, 2020)

OSPI Special Education Guidance

- [Reopening Washington Schools 2020: Special Education Guidance](#) and the companion [Special Education Planning Guide](#) and [Summary for Families](#) (available in multiple languages [here](#))
- [Question and Answers: Provision of Services to Students with Disabilities During COVID-19 in Fall of 2020](#)
- [Special Education Reopening Guidance: Least Restrictive Environment \(LRE\) Case Studies](#)

Other State Guidance

- Washington State Department of Health [K-12 Schools-Fall 2020–2021 Guidance](#)
- Washington State Department of Health [Decision Tree for Provision of In-Person Learning among K-12 Students at Public and Private School During the COVID-19 Pandemic](#)

Additional Resources

- [Online \(and Offline\) Resources to support Continuous Learning for Students with Disabilities \(XLSX\)](#)
- [Professional Development Opportunities for Supporting Students with Disabilities \(XLSX\)](#)
- Parent Coaching Series, Supporting Positive Behavior Across Environments: [Part 1](#), [Part 2](#) and [Part 3](#)
- [Special Education Recorded Webinars for the 2020–21 School Year](#)
- [8 Tips to Make Content Curriculum Accessible](#) (best opened in Chrome)