



EC Processes Points for Consideration During School Closure

This document is intended to provide points of consideration when managing EC Processes during school closures as a result of COVID-19. Please be reminded that these points should not be generalized into daily practice once schools return to a normal routine and the current crisis has passed. This information reflects the understanding of NC DPI EC Division has based on the recent OSEP FAQ and OSEP Supplemental Fact Sheet provided the week of March 16, 2020.

Implementation of IEPs

In this time of crisis, the manner in which ALL instruction is provided is likely to look very different. “However, federal disability law provides flexibility in determining how to meet the needs of students with disabilities”. [OSEP Supplemental Fact Sheet] The provision of FAPE might look very different, and may “include as appropriate special education and related services provided through distance instruction provided virtually, online or telephonically”. [OSEP Supplemental Fact Sheet]

I. Optional/Supplemental Remote Learning

- If school buildings are closed for students, the LEA will determine what remote learning will be provided to all students.
- Students with disabilities (SWD) are general education students first. SWD must be provided access to the same materials, educational resources, and instruction provided to non-disabled peers.
 - i. It will be important that EC teachers collaborate with General Education teachers to provide accessibility to these grade-level materials and provide accommodations/modifications as appropriate based on the student’s unique needs.
 - ii. Additionally, SWD should have access to their specially designed instruction outlined in their IEP to the greatest extent possible. This plan should be individualized and developed with parental input. This does not require an IEP Team meeting.
- Optional/supplemental remote learning is not required to be determined or documented within the IEP; however these opportunities should be individualized based on the student’s unique needs and communicated to families.
- A log of optional/supplemental remote learning provided should be kept by all EC service providers. The date, time (beginning and end), mode of instruction (virtual, phone teleconference, etc.), IEP goals addressed and progress monitoring data are important elements to include in the log.
- Some students may require compensatory education and/or ESY services – remember they are not the same. These services will be determined on an individual basis by the student’s IEP Team when schools reopen.

II. Mandatory Remote Learning

- If districts move to a mandatory remote learning structure, then FAPE must be determined for students with disabilities – particularly if the delivery of the services in the current IEP will be substantively different in remote learning.
- The parent and the LEA may agree to amend the IEP (addendum) without an IEP meeting to make this determination. This action **requires** agreement from the parent.



EC Processes Points for Consideration During School Closure

- Whether with or without a meeting, the LEA must provide the parent with a written document (Prior Written Notice) outlining the offer of FAPE.
- A service log should be kept by all EC service providers. The date, time (beginning and end), mode of instruction (virtual, phone teleconference, etc.), IEP goals addressed and progress monitoring data are important elements to include in the service log.

IEP Team Meetings

It is understood that some IEP Team meetings may not be able to be held. The decision to hold an IEP Team meeting must be carefully considered on a case-by-case basis. Here are some factors that should be included in determining whether or not to conduct an IEP Team meeting:

- Does each **required** IEP team member, including the parent, have access to participate?
- Does each **required** IEP team member, including the parent have a private space to participate?
- Is the meeting platform, such as a virtual meeting, secure?
- Does the IEP Team have access to data needed for the purpose of the IEP Team meeting?
- Does the LEA *and* parent have the confidential means to provide and receive the Invitation to Conference, IEP and PWN?

If the response to the items above are “yes”, then the following points should be considered in your planning.

I. Annual IEP Team Meetings

- Service delivery proposals for the annual IEP should be proposed consistent with the specially designed instruction and related services the student would require during a normal school schedule, in a normal school setting, if the LEA is only providing optional/supplemental remote learning activities.
- The implementation date of the IEP should be consistent with normal practices of providing parents adequate prior written notice before the IEP is implemented – regardless of the school closure.

II. Initial Referrals

- If the team suspects a disability, then an evaluation plan is developed for the areas of suspected disability and parental consent to conduct the evaluation should be obtained.
- At this point in the process, it is unlikely that the evaluation will be able to be conducted within timelines.
- EC personnel should not require that evaluators and students be brought into a school/community setting for the purposes of conducting the evaluation. The health and well-being of all should be the priority.
- During the pandemic, it is expected that the 90-day timeline and placement by the 3rd birthday will not always (if at all) be met. LEAs are encouraged to work with parents to reach mutually agreeable extensions of time, as appropriate.
- Please do not start and stop referrals to avoid the red stop sign in ECATS. Allow the compliance alerts to fire so that we can accurately identify those students adversely impacted by the pandemic when we have to complete federal reporting at the state level.



EC Processes Points for Consideration During School Closure

III. Reevaluations

- Do not default to a “no test” decision just because of school closure. If a child needs an evaluation, complete the process to obtain consent, but do not proceed. Evaluations will be completed once school schedules return to normal.
- If an IEP Team determines that further evaluations are necessary, develop the evaluation plan and obtain parental consent. It is understood that the evaluation may not be completed until school schedules return to normal.
- We anticipate that the eligibility status of some students may lapse as a result of a needed evaluation that cannot be completed in cases where the IEP Team suspects that the student’s disability category has changed. However, the student’s access to direct instruction/remote learning should not be discontinued because the eligibility expired during the pandemic.
- If there is sufficient data and the reevaluation can be completed without evaluations, the team may meet, with consideration of the questions asked at the beginning of the IEP section:
 - Does each **required** IEP team member, including the parent, have access to participate?
 - Does each **required** IEP team member, including the parent have a private space to participate?
 - Is the meeting platform, such as a virtual meeting, secure?
 - Does the IEP Team have access to data needed for the purpose of the IEP Team meeting?
 - Does the LEA *and* parent have the confidential means to provide and receive the Invitation to Conference, IEP and PWN?