



Presents
**KY-SPIN's Update COVID19 - Health
Coverage, FAQ HCBS Waiver and
Education COVID-19 Updates
Webinar 4/21/20**

KY-SPIN

(Special Parent Involvement Network)
Parent Training & Information (PTI)
Center

Funded by the U.S. Dept. of Education under IDEA since 1988 when Kentucky first received a PTI. KY-SPIN Parent Center provides training, information and support for children and youth with all types of disabilities (birth through 26 years old), their parents, families, and professionals.



We do NOT:
Act as Attorneys

We DO:



- ♥ Empower Families to Effectively Advocate for their Children
- ♥ Provide peer support to help families access needed information and resources
- ♥ Lend a listening ear



“The key to success for all our children during this unprecedented time is to work in partnership as we all go down this uncharted territory together!”

Rhonda Logsdon, KY-SPIN

Health Coverage:



We need all Kentuckians to have health coverage now more than ever.

If you do not have coverage apply now at kycovid19.ky.gov

Scroll down to Services, then click on services to open a menu, click on [Healthcare Coverage Application](#)

During the COVID-19 State of Emergency, individuals who need special healthcare coverage should click here [Healthcare Coverage Application](#). This coverage is temporary and ends on 6/30/2020 unless you submit an application for regular Medicaid. For application help, contact an application assister through the [Application Assister Web Page](#) or call the Kentucky Healthcare Customer Service line toll-free at (855) 459-6328. For a listing of participating medical providers please access the [Kentucky Medicaid Provider Directory](#). If you have questions or need more information about a participating provider, you can call 1-800-635-2570.



HCBS Waiver COVID-19 FAQ's Part 2

CHFS: [UPDATED: COVID-19 FAQ for 1915\(c\) HCBS Waivers \(4/7/20\)](#)

In the event that there are periods of time when people are asked to stay at home, will the DSP or PDS employees be permitted to provide in-home care to 1915(c) waiver participants?

Yes, if the service being provided by the DSP or PDS employee is emergent, meaning that without the service the participant would be placed in danger or the person would lose functioning that could never be restored, the care may be provided. The DSP or PDS employee should not provide care if he/she has been exposed to someone who tested positive for COVID-19 or who is displaying symptoms.



In a previous version of this FAQ, DMS said PDS employees and DSPs would be allowed to provide care to waiver participants if there is a period of time where people are asked to stay home if the participant would be placed in danger or lose functioning that could never be restored by not receiving the care. Can DMS clarify what services would be allowed in this instance?

This applies to any personal care or supervision-type service necessary for the participant's health, safety, and welfare that a natural support in the home is unable or unavailable to provide. The anticipated focus of this care is to support participants with activities of daily living, intermediate activities of daily living, and services essential to preserving a person's health, safety and welfare in his or her home.



Does documentation need to be submitted for immediate family members being hired as a PDS employee even though they are receiving automatic approval during the state of emergency?

Yes. The Department for Aging and Independent Living (DAIL) created a letter that can be uploaded to MWMA that grants temporary approval of the immediate family member as a PDS employee. The employee still needs to have a background check, however, they will be able to start providing services while waiting on the results. These employees will be approved for 120 days.



Can a PDS representative become a PDS employee during the state of emergency? If they do, does a new representative need to be designated?

Yes, the PDS representative can become a PDS employee during the state of emergency. In this instance, a new PDS representative needs to be appointed. If there is an obstacle in appointing a new PDS representative and the participant cannot self-direct, contact DAIL for guidance. PDS representatives who are acting as a PDS employee are to exercise sound judgment, prioritize the needs of the participant and their well-being, and observe rules related to Medicaid fraud, waste and abuse.

CHFS: [UPDATED: COVID-19 FAQ for 1915\(c\) HCBS Waivers \(4/7/20\)](#)



Can a participant receiving a service via the traditional delivery method switch to the PDS delivery method to reduce disruptions in services caused by the state of emergency?

Yes. DMS has modified the PDS employee approval process to ease the process for participants who need to switch from traditional to PDS to reduce service disruptions.



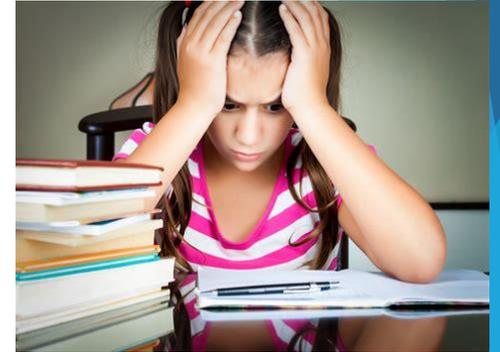
Can a PDS employee be permitted to work overtime to reduce gaps in service caused by the COVID-19 state of emergency?

Yes, during the state of emergency, overtime is allowed for PDS employees providing more than 40 hours of services to a single participant. The overtime must be necessary to address the health, safety and welfare of the participant and should first be discussed with the case manager/support broker/service advisor, who is responsible to document this need and update the emergency person- centered service plan.



With schools closed, can PDS employees help with a participant's homework?

No, DMS does not currently allow PDS employees to help participants with homework and Medicaid is not intended to deliver educational supports. Case managers who identify this need for a school- aged participant are encouraged to direct parents/guardians to the participant's teacher or education provider to obtain needed educational supports.



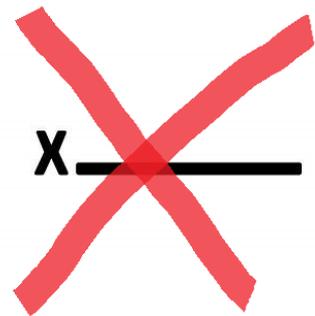
What will DMS accept as an official signature on PDS timesheets during the state of emergency?

Timesheets can be signed by hand, by email or by text. In the case of email or text message, a copy of the email or a screenshot of the text message should be saved as documentation. Please note that timesheets are still to be accurately completed and adequately reviewed before signing or attesting to timesheet contents. Laws related to fraud, waste and abuse of Medicaid services are still applicable during the state of emergency.



Can a PDS employer send timesheets without an employee signature?

No, but timesheets can be signed by hand, by email or by text. In the case of email or text message, a copy of the email or a screenshot of the text message should be saved as documentation. Please note that timesheets are still to be accurately completed and adequately reviewed before signing or attesting to timesheet contents. Laws related to fraud, waste and abuse of Medicaid services are still applicable during the state of emergency.



Can a PDS employee who lives in the home with the participant continue to provide services during the state of emergency?



Yes

Will PDS employees who are tax exempt be eligible for the stimulus plan Congress is considering?

The Coronavirus, Aid, Relief and Economic Security Act, or CARES, was signed into law on March 27, 2020. For questions regarding the stimulus payments included in the CARES Act, visit the Internal Revenue Service website at <https://www.irs.gov/coronavirus>.

In the past, PDS employees filing for unemployment had their unemployment tax rate adversely affected. This means that some participants will not be able to pay employees as much in the future if their employees file for unemployment. Will there be any changes to prevent this because of the state of emergency?

Please contact the KCC for questions regarding unemployment. KCC is asking individuals to call the office closest to where they live. The numbers are as follows:

Bowling Green area: (270) 746-7425

Elizabethtown area: (270) 766-5115

Covington area: (859) 292-6666

Hazard area: (888) 503-1423

Hopkinsville area: (270) 889-6509

Lexington area: (859)-233-5940

Louisville area: (502) 595-4003

Morehead area: (606)-783-8525

Owensboro area: (270) 686-2502

Paducah area: (270) 575-7000

Prestonsburg area: (888) 503-1423

Somerset area: (606) 677-4124



**CHFS: [UPDATED](#)
[: COVID-19 FAQ](#)
[for 1915\(c\) HCBS](#)
[Waivers \(4/7/20\)](#)**

You can also call the Unemployment Insurance Help Line at (502) 564-2900.

Important COVID-19 Education Guidance Regarding Children/Youth With Disabilities



COVID-19 SCHOOL CLOSURE EXTENSION

*All Kentucky schools to stay closed
through the end of the school year.*



KY Dept of Education (@KyDeptofEd) tweeted at 6:21 PM on Mon, Apr 20, 2020: @GovAndyBeshear recommends suspension of in-person classes continue in Kentucky through end of 2019-20 year due to #COVID19. [Full Story](#)

- ▶ *The Education Continuation Plan allows districts to continue to use the Non-Traditional Instruction Program for the remainder of the school year and grants relief for districts as they attempt to reach the required 1,062 hours of instructional time.*
- ▶ *Districts may count all NTI days used during the 2019-2020 school year - including NTI days used before the current closure period - as seven-hour equivalent days.*



KY Dept of Education (@KyDeptofEd) tweeted at 6:21 PM on Mon, Apr 20, 2020: @GovAndyBeshear recommends suspension of in-person classes continue in Kentucky through end of 2019-20 year due to #COVID19. [Full Story](#)

Federal Laws: Individuals with Disabilities Education Act (IDEA), Section 504 and Title II of the ADA & State Law Kentucky Administrative Regulations (KAR) laws/regulations, which includes timelines they set in place, have not changed, **but.....**



“...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....”

U.S. Department of Education: [Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak](#) (March 12, 2020)

“...The Individuals with Disabilities Education Act (IDEA) does not specifically address a situation in which elementary and secondary schools are closed for an extended period due to exceptional circumstances, including a pandemic...” **Kentucky Department of Education (KDE)** [Non-Regulatory Guidance Regarding the Implementation of the Non-Traditional Instruction Program \(NTI\) for Students with Individual Education Programs \(IEPs\) During Novel Coronavirus Pandemic](#)



All Kentucky Public Schools are now participating in Non-Traditional Instruction (NTI) Program for the remainder of the School Year

....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))..... U.S.

Department of Education: [Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak](#) (March 12, 2020)

In Kentucky the State Educational Agency (SEA) is the Kentucky Department of Education (KDE). The LEA is the Local Educational Agency which is your local public school district.



Continued.... Non-Traditional Instruction (NTI) Program



“Dear Parents and Families of Students with Individual Education Programs (IEPs):.....

What will happen to my child’s services when a school is closed but educational services continue to be provided through the Non-Traditional Instruction (NTI) Program?

1. If a local school district elects to utilize Kentucky’s NTI Program to provide educational opportunities to the general student population, then the district also must ensure that students with disabilities have equal access to the same opportunities, including the provision of a Free Appropriate Public Education. Districts should be communicating with parents and guardians prior to, during and after NTI days regarding their child’s IEP services. Districts and schools will work to ensure that all students receive services to the most appropriate extent possible.
2. Although special education or related services may need to be adjusted, districts must provide IEP services during NTI days. Districts may provide IEP services through an alternative means, such as curriculum-based schoolwork packets, online learning or some other learning adapted to the student’s needs and location.
3. ARCs are responsible for reviewing how the closure impacted the delivery of special education and related services to students with IEPs. Each student’s ARC must make an individual determination to decide whether the student requires compensatory education to make up for any skills that may have been lost because the student did not receive educational benefit due to missed IEP services.
4. If annual IEP reviews or eligibility reviews are due during NTI days, please work closely with your school to meet as soon as school is back in session or through alternate means, such as video or audio conference calls.....

Kentucky Department of Education ([KDE’s OSEEL Letter to Parents of Students with IEPs During COVID-19](#)) (Reference in the letter: [OSEP Letter to Pergament, December 2013](#)) (March 17, 2020)

Non-Traditional Instruction (NTI) Program

Work can be given to students
online, in packets from school, or
by other means



There may be a combination of a
variety of formats

[To learn more about
Kentucky's NTI Program](#)



Continued Education:

“.....Additionally, 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. 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.....”

U.S. Department of Education : [Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students](#) (March 16, 2020)



“.....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

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”



US Department of Education: [Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities](#) (March 21, 2020)

“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.....”



US Department of Education: [Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities](#) (March 21, 2020)

“....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 lowtech strategies that can provide for an exchange of curriculum-based resources, instructional packets, projects, and written assignments.

US Department of Education: [Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities](#)
(March 21, 2020)



Continued Education:

KDE's Non-Traditional Instruction (NTI) Program is not an IEP placement change, it is an location change for all students due to COVID-19 pandemic

KY Dept of Education (@KyDeptofEd) tweeted Tue, Mar 31, 2020: 2pm ET #COVID19 Special Superintendent's Webcast on Special Education has begun. KDE Associate Commissioner Gretta Hylton is leading the discussion here: <https://t.co/oPnk6JZPmj>



Together we can accomplish great things for our children!



None of us have all the answers, we are all working through this pandemic and adjusting as we go.

Sources

- ▶ **Kentucky Department of Education (KDE)** [Non-Regulatory Guidance Regarding the Implementation of the Non-Traditional Instruction Program \(NTI\) for Students with Individual Education Programs \(IEPs\) During Novel Coronavirus Pandemic](#) {Please review additional non-regulatory guidance previously provided by US ED's Office of Special Education Programs. [ED Non-Regulatory Guidance issued in 2018](#) & [Additional information](#)} (March 11, 2020)
- ▶ **U.S. Department of Education:** [Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak](#) (March 12, 2020)
- ▶ **U.S. Department of Education:** [Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students](#) (March 16, 2020)
- ▶ **U.S. Department of Education:** [OCR Short Webinar on Online Education and Website Accessibility Webinar \(Length: 00:07:08\)](#) (March 16, 2020)
- ▶ **Kentucky Department of Education:** [KDE's OSEEL Letter to Parents of Students with IEPs During COVID-19](#) (Reference in the letter: [OSEP Letter to Pergament, December 2013](#)) (March 17, 2020)
- ▶ **US Department of Education:** [Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities](#) (March 21, 2020)

Other Education COVID-19 Updates:

- ▶ **KY Dept of Education** Kevin C. Brown, Interim Education Commissioner (@kycommissioner) tweeted on Fri, Apr 17, 2020: [Letter to Families](#): We've asked a great deal of you, more than any of us realized when this #COVID19 crisis began. Keep up the good work ".... And although there has not been an update on the extension of school closures, which are still scheduled through May 1 at the request of Gov. Andy Beshear, we are expecting an update on Monday after the governor talks with the state's superintendents by phone....." [More in my 4/17 letter here](#)
- ▶ **KY Dept of Education** (@KyDeptofEd) tweeted on Apr 15, 2020: In an effort to recognize the work of educators and programs that serve students with a variety of learning needs, the Kentucky Department of Education has named [Alternative Programs of Distinction](#)
- ▶ **KY Dept of Education** (@KyDeptofEd) tweeted on Apr 15, 2020: @EducationWeek [report examines social-emotional learning during school closure period](#)
- ▶ **KY Dept of Education** (@KyDeptofEd) tweeted on Apr 14, 2020 [Waivers will remove barriers to Kentucky educator preparation, certification](#) amid COVID-19 crisis
- ▶ [Health and Wellness Apps for Transition-Age Youth](#) List by PACER's Simon Technology Center
- ▶ **KY Dept of Education:** (@kycommissioner) tweeted on 4/10/20 Interim Commissioner Kevin C. Brown's April 10 [letter to families](#): It's been just over a month since Kentucky's 1st case of #COVID19. Families: During this time when your kids are learning at home, they need you in ways you wouldn't have thought of a month ago. Don't forget to take care of yourself, too.

We will have a standing webinar every Tuesday 11am-12pm EST with updates/new information related to our children/adults with disabilities, parents/families and professionals. Stay tuned for the link to register for next weeks webinar.

We also will have weekly KY-SPIN eNews that goes out on our listserv.



Questions??



Questions are the path to learning



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(502) 937-6894

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Please complete our evaluation at the end of
the webinar.

Thank you!