



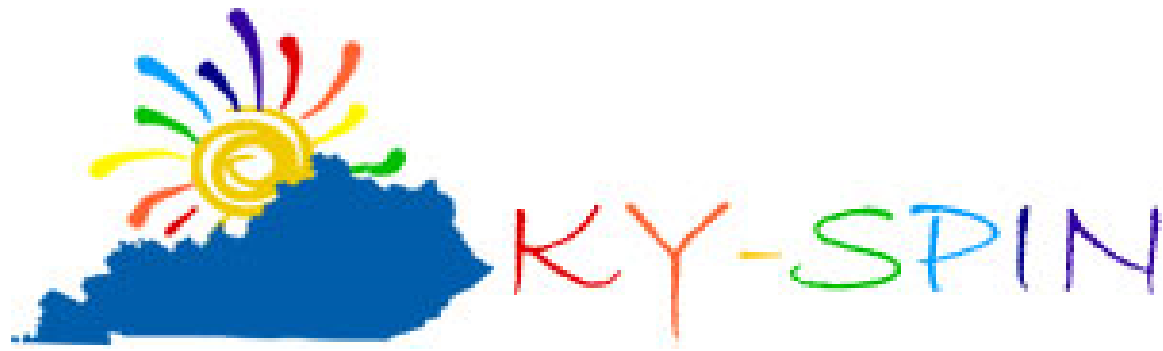
**Educating Children with Disabilities  
during CORONAVIRUS (COVID-19) Webinar  
3/25/20**

# **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

# Thank You



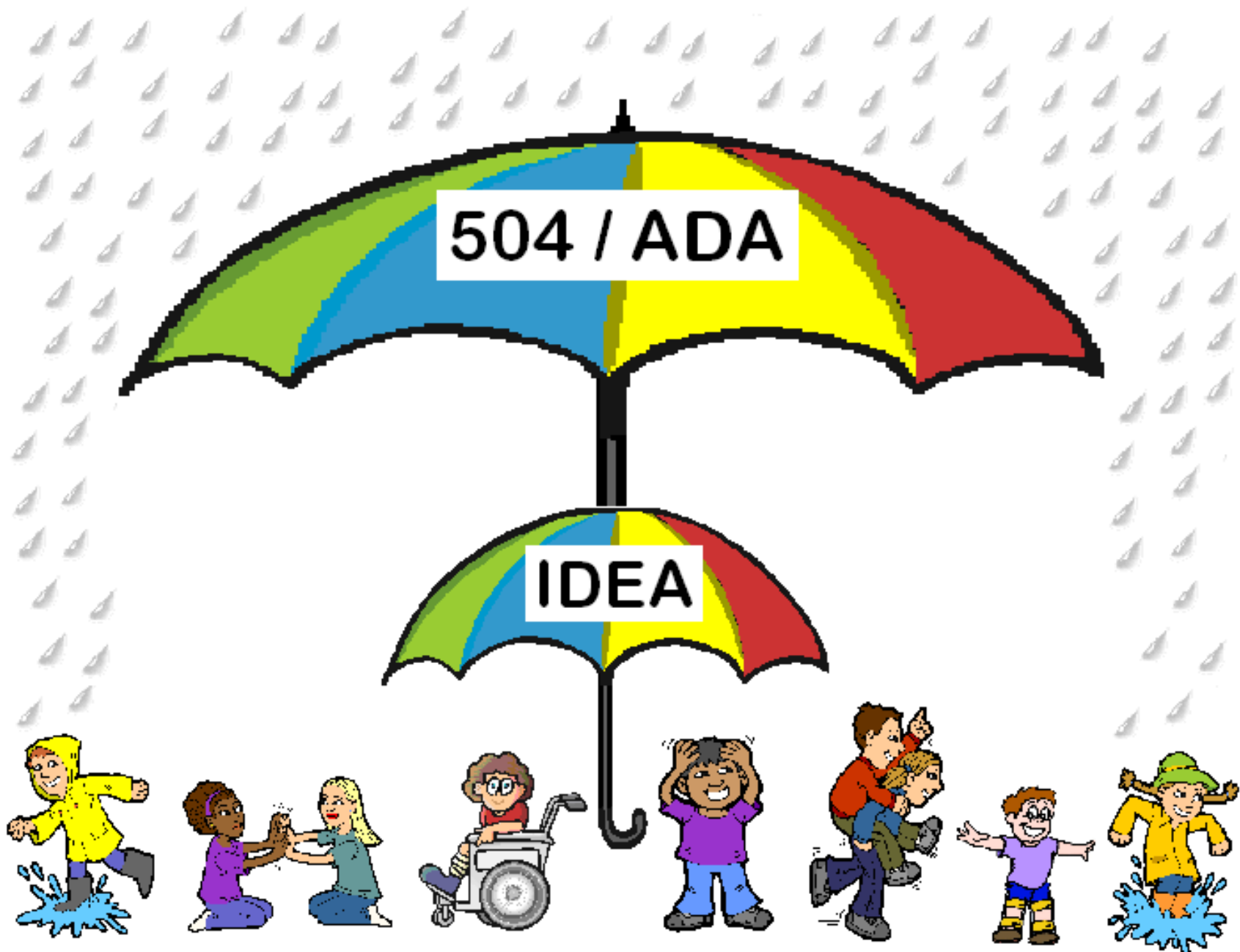
## Sources

- ▶ **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)



**“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**



504 / ADA

IDEA

Graphic: FND FL

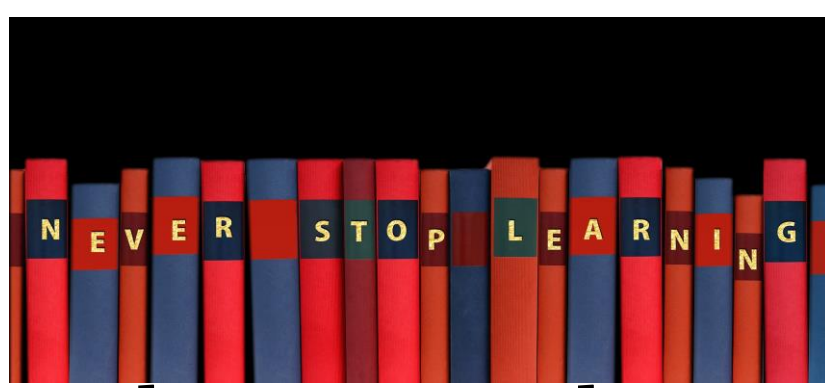


“...The IDEA, Section 504, and Title II of the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time (generally more than 10 consecutive days) because of exceptional circumstances, such as an outbreak of a particular disease.....”

**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





On March 11, 2020 The Kentucky Department of Education (KDE) announced an application and waiver opportunity was now available for certain sections of the KDE's Non-Traditional Instruction (NTI) Program for public school districts not currently utilizing the program.

At that time not all KY School districts applied.

“....If a local school district elects to utilize Kentucky’s NTI program to provide educational opportunities to the general student population then the district must also ensure that students with disabilities have equal access to the same opportunities, including the provision of FAPE.

Districts must ensure that, to the greatest extent possible, each student is provided the special education and related services identified in the student’s IEP developed under IDEA.

If a student does not receive IEP services, the Admissions and Release Committee (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.

If a district is unable to provide services to a student with a disability in accordance with the student’s IEP, the student’s ARC must determine which services can be provided to appropriately meet the student’s needs. The ARC may meet by teleconference or other means to determine if some, or all, of the identified services can be provided through alternate or additional methods. NTI days are considered instructional days and must be included for purposes of determining compliance with IDEA timeline requirements including those related to special education and outlined in 707 KAR 1:320 and 707 KAR 1:340.....”

**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)

Important Question to answer based on what your child's public school district in Kentucky is currently doing:

A. Is your child's school closed for all students, in which no students are any doing work?\*

OR

B. Is your child's school participating in Non-Traditional Instruction (NTI) Program?

\*Please note that based on March 18, 2020 That The Kentucky Board of Education (KBE) grants waiver allowing all 172 districts to utilize Non-Traditional Instruction (NTI) amid COVID-19 crisis - This means initially not all school districts had applied (had students doing work), but they can now under NTI waiver granted to all KY school districts.

If you answered

A. Is your child's school closed for all students, in which no students are any doing work?

“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.....”

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.

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

## Continued: A. Is your child's school closed for all students, in which no students are any doing work?

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

What will happen to my child's services when school is canceled for all students due to COVID-19?

1. If a school closure causes educational services for all students to stop, then the district is generally not required to provide services to students eligible for special education services during that same period of time (See OSEP Letter to Pergament, December 2013). This general standard is especially true in cases where the school district still will provide the required minimum of school days.
1. After an extended closure, districts are responsible for reviewing how the closure impacted the delivery of special education and related services to students eligible for special education services. Students may need additional services or extended school year services to make up missed services.
1. If annual Individual Education Program (IEP) reviews or eligibility reviews are due during a school closure, please work closely with your school to have the Admissions and Release Committee (ARC) meeting 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)

If you answered

B. Is your child's school participating in Non-Traditional Instruction (NTI) Program?

....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.... B. Is your child's school participating in 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)



“.....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)**

# 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





**U.S. Department of Education: OCR Short Webinar on Online Education and Website Accessibility Webinar (Length: 00:07:08) (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 \( March 21, 2020 \)](#)



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)
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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...



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Please complete our evaluation

Sources: OSEP, IDEA, KAR, KDE