Presents

KY-SPIN's COVID-19 Update on Guidance related to Special Education and other Updates Webinar
6/12/20

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

3

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.

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

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 laws did not address what to do in a pandemic.

"….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**

Guidance can be released from US Department of Education, Kentucky Department of Education (KDE) and local school district.

There is a variety of input from key stakeholders such as parents/families, teachers, school administrators, local school districts and KDE staff that can be used to develop and address concerns through guidance/recommendation documents.

KDE's Commissioner's Parent Advisory Committee
provides insight on reopening schools

The Kentucky Department of Education's (KDE) Commissioner's Parents Advisory Council (CPAC) heard how schools are preparing for reopening this fall during its June 10 meeting.

KDE has been encouraging schools to prepare for three contingencies for the start of the school year: a traditional opening while following guidance from the Kentucky Department for Public Health, beginning the school year online by utilizing the department's Non-Traditional Instruction (NTI) Program or an adjusted model that would blend both a traditional and electronic opening……

KDE also is conducting a set of needs-sensing surveys to be released over the next week to gain input on the needs of teachers, principals, superintendents and families as schools and districts plan to reopen this fall. The family survey will gather information on challenges around the availability and reliability of information technology, students' struggles in navigating a remote learning environment and caregivers' challenges in supporting their child/children's learning…….

KDE's Commissioner's Parent Advisory Committee provides insight on reopening schools Press Release 6/12/20

KY-SPIN is a council member on the CPAC

All Kentucky Public Schools are now 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.... 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)

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 Preschool, Elementary and Secondary Schools While Serving Children with Disabilities (March 21, 2020)

Coronavirus Aid, Relief and Economic Security (CARES) Act

Two parts of it provides funds to helps schools:

1. Governor's Emergency Education Relief (GEER) Fund

2. Elementary and Secondary School Emergency Relief (ESSER) Fund

KDE releases guidance on GEER Fund to aid remote learning, food service Press

Considerations for Special Education

LEAs must ensure students with disabilities continue to receive a free, appropriate public education (FAPE) during remote learning. One way of ensuring Individual Education Programs (IEPs) are implemented during school closures, such as during the COVID-19 pandemic, is through the development of contingency plans. Admission and Release Committees (ARCs) must develop each child's contingency plan as part of the IEP. The GEER Fund may be used to support the implementation of IEPs, including contingency plans, in the following ways:

• Providing specially designed instruction;
• Providing supplemental aids and services;
• Reimbursing travel costs incurred by employees when providing services to students with IEPs;
• Distributing necessary materials to facilitate remote learning;
• Providing interpreting services;
• Expanding access to mental health services as determined by the ARC;
• Facilitating summer learning programs as specified in the IEP or contingency plan;
• Establishing or expanding access to lending libraries of materials or assistive technology;
• Providing access to technology that enables students with IEPs to access the general curriculum; and
• Providing any services or supports included in the IEP.

KY Dept of Education: KDE releases guidance on GEER Fund to aid remote learning, food service May 12, 2020 Press Release
Guidance Document: COVID-19 Governors Emergency Education Relief Fund Guidance for LEAs *May 11, 2020*

GEER funds also may be used for the additional costs of providing compensatory education services to students who failed to receive a FAPE during remote learning that occurred as a result of the COVID-19 pandemic. The amount and type of compensatory education required for each student must be determined by the student's ARC.

Additionally, LEAs may use GEER Funds to purchase assistive technology to ensure students with disabilities are able to access the curriculum during periods of remote learning. Assistive technology is defined by 707 KAR 1:002, Section 1 (3) as: "any item, piece of equipment, or product system, whether acquired commercially, off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not mean a medical device that is surgically implanted, or the replacement of such a device."

Assistive technology can include both high-tech and low-tech tools. Some examples of assistive technology include, but are not limited to:
- Computer software and hardware, such as voice recognition programs, screen readers and screen enlargement applications to help people with mobility and sensory impairments use computers and mobile devices;
- Adaptive switches and utensils to allow those with limited motor skills to eat, play games and accomplish other activities;
- Tools such as automatic page turners, book holders and adapted pencil grips to help students with disabilities participate in educational activities; and
- Communication devices and programs to help students with limited language skills communicate.

For more information about how to access and appropriately use assistive technology, LEAs may wish to review this National Institute of Health's article on assistive devices or this resource page provided by the national nonprofit Understood.

KDE releases guidance on how districts can use federal ESSER funds 5/19/20

The Kentucky Department of Education (KDE) released a new guidance document May 19 about the Elementary and Secondary School Emergency Relief (ESSER) Fund to help districts decide how best to spend the funding designed to help districts respond to the novel coronavirus (COVID-19) pandemic.

The ESSER Fund was authorized by Section 18003 of the [Coronavirus Aid, Relief and Economic Security (CARES) Act](#) to provide emergency aid to states. The KDE received $193,186,874 – 90% of which is to be distributed to local education agencies (LEAs) to support their crisis response efforts.

The document ["COVID-19 Elementary and Secondary School Emergency Relief Fund Guidance for LEAs"](#) – provides guidance for schools and districts on how to evaluate their needs. LEAs should remain mindful that the ESSER Fund is an emergency fund meant to overcome barriers created by the COVID-19 pandemic and should not be used for regular, recurring expenses. Some of the items that ESSER funds may be used for include coordinating and preparing for response efforts, training on sanitation and minimizing the spread of infectious diseases, purchasing cleaning and sanitizing products, as well as activities to address the needs of certain groups of students such as low-income, English learners and racial and ethnic minorities.

KY Dept of Education: [KDE releases guidance on how districts can use federal ESSER funds](#) 5/19/20 Press Release

KDE COVID-19 Elementary and Secondary School Emergency Relief (ESSER) Fund Guidance for LEAs" Guidance

Special Education

LEAs must ensure that students with disabilities have equal access to the same opportunities as students without disabilities, including the provision of a free, appropriate public education (FAPE). LEAs must continue to ensure each student is provided the special education and related services identified in the student's Individual Education Program (IEP) developed under the IDEA.

LEAs may use ESSER Funds to implement special education and related services to educate students with Individual Education Programs (IEPs) during periods of remote learning. As stated previously in this guidance, LEAs must continue to maintain local or state and local funds previously spent to provide special education and related services to meet the IDEA's maintenance of effort requirements.

[KDE COVID-19 Elementary and Secondary School Emergency Relief Fund Guidance for LEAs 5-18-20](#) Document

ESSER Fund:

Suggestions for the use of these funds to support students with disabilities include, but are not limited to, the following:

- Providing specially designed instruction and related services to individual students with disabilities;
- Providing students with disabilities one-to-one access to electronic devices such as laptops, iPads, tablets or other equipment and devices to enable these students to receive instruction through distance learning and virtual online options;
- Making internet access available to individual students in their homes to enable equitable participation in remote instruction;
- Supporting the cost of student meals, including students who have special dietary requirements;
- Providing for travel costs of employees incurred when providing services for students with disabilities;
- Supporting the costs of interpreters for Deaf or Hard of Hearing (DHH) students;
- Providing professional development opportunities for special education teachers and related service personnel;
- Providing mental health services to students; and

Creating lending libraries for assistive technology and other resources.

ESSER Fund:

Emergency Contingency Plans

Admissions and Release Committees (ARCs) may choose to develop emergency contingency plans to determine how a student's IEP will be implemented in order to provide a FAPE during periods of remote learning. Including a contingency plan in a students' IEP offers the LEA and the student's parents an opportunity to discuss and plan for periods of remote learning. "Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak" from the U.S. Department of Education addresses contingency plans and states the following:

"IEP teams may, but are not required to, include distance learning plans in a child's IEP that could be triggered and implemented during 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 my 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."

ESSER Fund:

Contingency plans will vary depending on a student's individual needs, but may include the regular classroom teacher adjusting the lesson to meet the needs of the individual student, the special education teacher creating student-specific lessons, or the regular education and special education teachers working together to adjust or create lessons.

The ARC must consider the technology needs of the student while learning at home during periods of remote learning and determine how appropriate technology will be provided to the student. The ARC also must consider how accommodations such as a human reader or scribe will be provided in a digital environment. Decisions must be based on the individual needs of the student rather than administrative convenience.

Procedures for periods of remote learning could include sending familiar manipulatives home to the students, downloading lessons or educational games onto a tablet and sending it home, creating lessons focusing on life skills or using technology to create face-to-face learning experiences. The regular education and special education teachers must be available to students during periods of remote learning.

ESSER Fund:

Compensatory Education

The OSEEL advises LEAs to consider reserving a portion of the ESSER Fund to pay the cost of providing compensatory education services to students with disabilities.

Under IDEA, compensatory education services are necessary whenever a LEA is unable to provide a free appropriate public education (FAPE) to a student with a disability as described in the IEP. Compensatory education services are those special education and related services to which the child is entitled under the FAPE provisions of the IDEA that the LEA failed to provide. The purpose of compensatory education is not to punish LEAs for denying the student FAPE, rather, the goal is to place the student in the position he or she would be in had the LEA provided the appropriate services as prescribed in the IEP.

During extended periods of remote learning, a student with a disability may not be able to receive full implementation of the services specified in the IEP. ARCs must review the status of services on a case-by-case basis and make individualized determinations whether, and to what extent, compensatory education services are needed. The ARC should consider if the student received all IEP services during distance instruction through the COVID-19 pandemic, discuss whether a denial of a FAPE has occurred and whether compensatory education services are necessary.

ESSER Fund:

All the information needed to make this determination likely will not be known until in-person classes resume. Thus, the most appropriate time for the ARC to decide on compensatory education services for the student may be when schools return to normal operations. However, LEAs should continue ongoing communications with parents regarding the implementation of the IEP. Virtual ARC meetings should be occurring during periods of remote learning.

The OSEEL encourages LEAs to consider the use of ESSER Funds to provide compensatory education services that are needed as a result of impact of the COVID-19 pandemic. However, the LEA should make sure that it is continuing to spend from local or state and local funds to provide special education and related services, an amount necessary to meet the maintenance of effort (MOE) requirements of the IDEA, before it supplants those funds with ESSER Funds. While using the ESSER Fund will not increase the LEA's amount of local or state and local funds it needs to maintain in future years, if ESSER funds supplant local or state and local funds, it could result in the LEA failing to meet the MOE requirements of the IDEA.

In planning for the use of ESSER Funds, the OSEEL cautions LEAs to be aware of the potential impact of not spending the amount necessary to meet the IDEA's MOE requirements from local or state and local funds to provide special education and related services to children with disabilities.

ESSER Fund:

This year, LEAs may experience a reduction in the amount of local or state and local funds used to provide special education and related services due to the number of school days being delivered through remote instruction. This is especially true as it pertains to students with disabilities who are normally provided special transportation and other related services, such as speech language therapy, occupational therapy, physical therapy and other specially designed instruction. LEAs should take measures necessary to ensure that special education and related services this year are provided from the LEA's general fund in an amount sufficient to meet the IDEA's MOE requirements before paying the cost of these services from ESSER Funds. Information from the U. S. Department of Education(USED) indicates that it does not intend to request waivers to IDEA requirements, including those around MOE, as a result of the COVID-19 pandemic.

In addition, if state funding to LEAs is reduced next year due to a loss of revenue caused by the COVID-19 pandemic, this could result in a district's failure to meet the IDEA's MOE requirements. Therefore, the OSEEL believes LEAs should direct general fund resources to provide special education and related services while using ESSER Funds to replace those state and local funds typically spent in other areas.

Under current MOE requirements of the IDEA, LEAs failing to spend the required amount of local or state and local funds must pay to the USED an amount equal to that failure from non-federal funds. Without a waiver from the U.S. Congress, it is not within the authority of the USED's Office of Special Education Programs to expand upon the exceptions listed in Section 1413 (a)(2)(B). At this time, no message has been relayed to the states that such a waiver is planned or will occur. If this conversation does occur at the national level, the OSEEL will update its recommendation and the KDE will relay this information to LEAs immediately.

For the 2020-2021 school year, LEAs must continue to be aware of the MOE requirements of the IDEA to continue to spend local or a combination of state and local funds to the highest level it did so in previous years.

Assistive Technology

LEAs may use ESSER Funds to purchase assistive technology to ensure students with disabilities are able to access the curriculum during periods of remote learning. Assistive technology is defined by 707 KAR 1:002, Section 1 (3) as "any item, piece of equipment, or product system, whether acquired commercially, off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not mean a medical device that is surgically implanted, or the replacement of such a device."

Assistive technology can include both high-tech and low-tech tools. Some examples of assistive technology include, but are not limited, to:
- Computer software and hardware, such as voice recognition programs, screen readers and screen enlargement applications, that help people with mobility and sensory impairments use computers and mobile devices;
- Adaptive switches and utensils that allow those with limited motor skills to eat, play games and accomplish other activities;
- Tools such as automatic page turners, book holders and adapted pencil grips that help students with disabilities participate in educational activities; and
- Communication devices and programs that help students with limited language skills communicate.

Additional information on assistive technology tools that may help students with disabilities access the curriculum from home may be found by clicking on the following links:
- "What are some types of assistive devices and how are they used?" National Institute of Child Health and Human Development
- "Assistive Technology Basics," Understood

Certain software that enables students with disabilities to access the curriculum may be more costly than other pieces of assistive technology. LEAs should be mindful of this. The cost cannot be a barrier to ensuring all students receive an equitable education, even during closures.

KDE releases initial guidance on how to re-start schools for 2020-21 year amid COVID-19 pandemic

"This initial guidance provides schools and districts a framework for how they will need to start the 2020-2021 school year," said Interim Commissioner Kevin C. Brown. "We are first trying to ask the questions districts need to ask themselves when dealing with all of the complex issues that have arisen as the result of the COVID-19 pandemic. We hope districts, schools and communities will use these questions to help order their thoughts and think through the many issues that will be facing educators in the Commonwealth when school resumes."

As the COVID-19 situation evolves and additional recommendations from the governor and the Department for Public Health are issued during the summer, the guidance documents produced by KDE will continue to be updated and amended as required to meet the needs of Kentucky's schools and districts.

KDE releases initial guidance on how to re-start schools for 2020-21 year amid COVID-19 pandemic 5/15/20 Press Release

KDE COVID-19 Considerations for Reopening Schools (KDE) Guidance

Supporting Exceptional Learners

Schools and districts should consider how alternative schedules, extended periods of remote learning and intermittent school closure may impact the delivery of services for students receiving special education or gifted and talented services. Below are questions and potential risk factors to guide planning conversations:

Guiding Questions
1. How will schools and districts ensure special education students understand new expectations, such as social distancing?
2. How will schools and districts ensure students with Individual Education Programs (IEPs) are provided a free, appropriate public education?
3. How will schools and districts ensure students with physical challenges or those who are medically fragile are kept safe while in the school building?
4. How will schools and districts ensure special education requirements and exceptional student learning needs be met in the classroom and remotely?
5. How will schools use needs assessment protocols to inform instructional decisions for students?
6. How will schools and districts ensure Admissions and Release Committee (ARC) meetings are scheduled to determine the need for compensatory education for services missed during the pandemic?

KDE COVID-19 Considerations for Reopening Schools (KDE) 5-15-20

Guiding Questions:

7. How will schools and districts ensure appropriate contingency plans are incorporated into students' IEPs to meet their needs during alternative schedules and periods of remote learning?
8. How will schools and districts ensure regular initial evaluation procedures are implemented in a timely manner?
9. How will schools and districts ensure that special education referrals will be completed in a timely manner?
10. How will schools and districts ensure they are appropriately tracking maintenance of effort requirements?
11. How will schools and districts ensure social distancing expectations are met across all special education environments?
12. How will schools and districts accommodate social distancing requirements while providing services to students who require 1:1 assistance and supervision?
13. How will schools and districts ensure students who struggle with transitions are successful during sudden disruptions in routines and schedules?
14. How will schools and districts ensure that lessons learned during the previous periods of remote learning will inform special education practices during future pandemic responses?
15. How will schools and districts ensure students have access to sufficient assistive technology devices?
16. How will schools and districts ensure

KDE COVID-19 Considerations for Reopening Schools (KDE) 5-15-20

Risk Factors

1. Schools and districts may experience difficulty transitioning highly motivated gifted and talented students back to traditional instruction methods after having become accustomed to self-directed learning.
2. Schools and districts may experience difficulty properly identifying students for gifted and talented services if they are not in the building.
3. Schools and districts may experience gaps and inequities in services because not all students have the same communication resources for NTI.
4. Schools and districts may experience difficulty providing appropriate enrichment for students identified as gifted and talented in visual and performing arts or leadership.
5. Schools and districts may need to develop new evaluation protocols to accommodate changes in their schedule.
6. Schools and districts may need to accommodate medically fragile staff, parents and students who may be unsafe or feel uncomfortable returning to school.
7. Schools and districts may experience difficulty providing services to students who participate in exceptional work experience programs.
8. Schools and districts may experience difficulty maintaining social distancing expectations in low-incidence environments.
9. Schools and districts may need additional case load waivers due to limited special education staff.
10. Schools and districts may experience difficulty coordinating special transportation during alternative schedules.
11. Schools and districts may need to perform additional ARC meetings to accomplish contingency planning.
12. Schools and districts may need to conduct evaluations virtually.
13. Schools and districts may need additional compensatory education services following a resurgence leading to school closures.
14. Schools and districts may experience difficulty maintaining maintenance of effort (MOE) under the Individuals with Disabilities Education Act.

KDE COVID-19 Considerations for Reopening Schools (KDE) 5-15-20

COVID-19 Considerations for Reopening Schools Supporting Student and Staff Wellness

While the usual transitional concerns will be present when schools reopen, it is anticipated that this fall's return to school will be particularly challenging. Teachers and administrators should operate on the assumption that everyone, (students, families and staff) will have experienced some degree of anxiety and stress, uncertainty, illness, grief and loss.

Some will have been ill themselves, some will be grieving for a relative or friend who died, if not by illness, possibly from an accident or even suicide or violence. Some will have experienced hunger, abuse, neglect, evictions, domestic violence and/or community violence.

For some students, the experience of social distancing and being home during COVID-19 will have been traumatic. Schools will likely see an increased number of learning, behavioral and emotional problems, from more students. For those who already have emotional and behavioral challenges, these could be exacerbated.

KDE "COVID-19 Considerations for Reopening Schools Supporting Student and Staff Wellness" – addresses planning considerations for the social and emotional well-being of students and staff during the transition when schools reopen.

KDE COVID-19 Considerations for Reopening Schools Evaluating Students' Academic Readiness

The impact of the transition to NTI is unknown. Therefore, it is important to understand the current academic level of students when they return and as decisions are made on how to continue instruction upon the return of students for the 2020-2021 school year.

Evaluating students' academic knowledge and skills is one of the first steps to take when students return. Assessment data will help guide curriculum and instruction based on students' needs.

Since Kentucky received a waiver from statewide assessments, those results are not available. Schools have and should consider other ways to determine gaps in learning and students' needs……..

Develop Plans

After determining the strengths and areas for growth in student performance and reviewing the scope and sequence of the district curriculum for instruction deficits, teachers can plan what happens next in learning. Some students might need enrichment learning, while others will need interventions.

When planning next steps, educators should consider the possibility that the return to school could include a variety of settings, including mixed models of in-person and virtual learning environments.

KDE COVID-19 Considerations for Reopening Schools Evaluating Students' Academic Readiness 6-1-20

KDE COVID-19 Considerations for Reopening Schools Academic Re-entry, Stage One: Drafting an Adjusted Curriculum

This document from the Kentucky Department of Education (KDE) provides guidance on initial steps for how educators can plan and prepare for addressing knowledge gaps due to extended remote learning as a result of the COVID-19 emergency. KDE will release guidance for Academic Re-entry, Stage Two, in July 2020.

[KDE COVID-19 Considerations for Reopening Schools Academic Re-entry, Stage One: Drafting an Adjusted Curriculum 6-1-20](#)

KDE Issues Guidance on How to Facilitate Conversations about Race-based Stress and Trauma

What Can You Do for Your School Community (Staff Members and Students)?

- Show people love and acceptance for who they are and recognize that many are hurting during this time.
- Acknowledge what has happened.
- Acknowledge the emotional response this creates for students and staff.
- Remind students and staff that it is OK not to be OK.
- Acknowledge that events in the community are not separate from the context of school.
- Create a safe space for dialogue; allow all voices to be heard and seek input and suggestions to make our educational settings safer and more equitable. Further considerations for creating a safe space are below.
- Learn about and acknowledge our own biases and seek to grow by participating in training in equity and diversity, implicit bias, cultural responsiveness, cultural humility and anti-racism. Provide these opportunities for others.
- Check in routinely with your staff and students (not just after a tragic event). Be willing to openly listen to how they are feeling and how you can help. Explore the emotions of staff and children and honor them; never dismiss.
- Teach how to be an upstander when racism is witnessed.
- Learn about disrupting dehumanization for boys and young men of color.
- Teach resilience skills as a part of social and emotional learning and remind students and staff members of their character strengths. Use this chart for adults. This character strengths chart is for students.
- Begin efforts to implement an anti-racism framework in your school and classroom.
- Be prepared to offer a multi-tiered system of support response:
  - There should be tier 1 instruction to students and staff members where we teach about cultural humility, equity, etc., as whole groups.
  - The next step may be tier 2 intervention services for students and staff members who are struggling with understanding these concepts or for students and staff members who are victimized by events that have happened in their own lives, their own community or the world.
  - Tier 3 intervention services with community agencies should be prepared for students and staff members who might have reached a point where they are a danger to themselves or others.

KY Dept of Education: KDE issues guidance on how to facilitate conversations about race-based stress and trauma Press Release 6/3/20 Document KDE Guidance on How Districts Can Facilitate Conversations About Race-based Stress and Trauma 6/3/20

KDE Releases Guidance on Alternative Learning Strategies for Reopening Schools

Considerations for Alternative Learning Experiences:
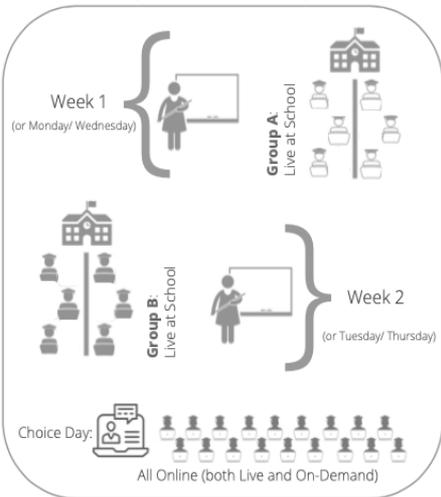
KY Dept of Education: KDE releases guidance on alternative learning strategies for reopening schools Press Release 6/8/20 Document: COVID-19 Considerations for Reopening Schools: Alternative Learning Design Strategies 6/8/20
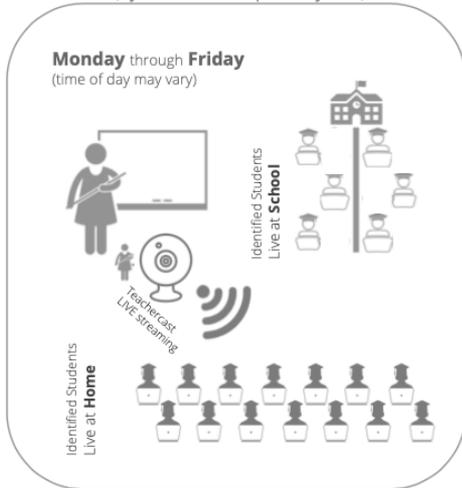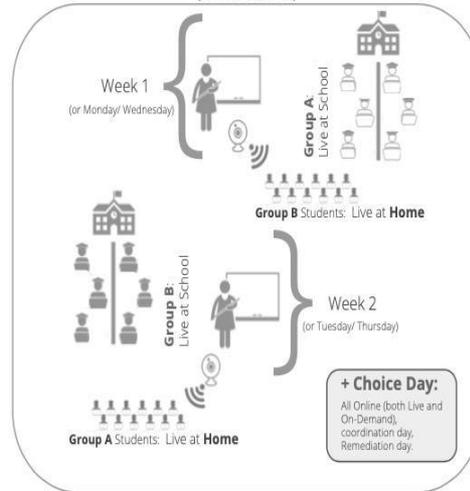
Sources

▶ 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)

▶ KDE COVID-19 Governors Emergency Education Relief Fund Guidance for LEAs *May 11, 2020*

▶ KDE COVID-19 Considerations for Reopening Schools (KDE) 5-15-20

▶ KDE COVID-19 Elementary and Secondary School Emergency Relief Fund Guidance for LEAs 5-18-20

▶ KDE "COVID-19 Considerations for Reopening Schools Supporting Student and Staff Wellness" – addresses planning considerations for the social and emotional well-being of students and staff during the transition when schools reopen.

▶ KDE COVID-19 Considerations for Reopening Schools Evaluating Students' Academic Readiness 6-1-20

▶ KDE COVID-19 Considerations for Reopening Schools Academic Re-entry, Stage One: Drafting an Adjusted Curriculum 6-1-20

▶ KY Dept of Education: KDE releases guidance on alternative learning strategies for reopening schools Press Release 6/8/20 Document: Considerations for Reopening Schools: Alternative Learning Design Strategies 6/8/20

▶ KY Dept of Education: KDE issues guidance on how to facilitate conversations about race-based stress and trauma Press Release 6/3/20 Document KDE Guidance on How Districts Can Facilitate Conversations About Race-based Stress and Trauma 6/3/20

▶ KDE's Commissioner's Parent Advisory Committee provides insight on reopening schools Press Release 6/12/20

Other COVID-19 Update:

KY Cabinet for Health and Family Services: [Kentucky Students Eligible for New Emergency Food Benefits](#) 5/21/20 The Kentucky Cabinet for Health and Family Services (CHFS) Department for Community Based Services (DCBS) and the Kentucky Department of Education (KDE) are partnering to provide food assistance to families who have lost access to free or reduced-price school meals during the novel coronavirus (COVID-19) emergency.

Beginning May 23, Kentucky families with students who normally receive free or reduced-price meals at school may get financial assistance to replace those meals through the U.S. Department of Agriculture's (USDA) Pandemic Electronic Benefit Transfer (P-EBT) program, part of the Families First Coronavirus Response Act.

P-EBT benefits are entirely federally funded and will provide up to $163 million in food assistance to up to 500,000 qualifying children. The plan will provide each eligible student with up to $313.50 for the time period of March through May to help with nutritional support during the time that schools have been closed during the pandemic.

Department of Education Interim Commissioner Kevin C. Brown said that approximately 75 percent of Kentucky students receive free or reduced-price meals.

Families who already receive assistance can receive P-EBT in addition to other benefits their household may get. Children who already receive SNAP, Kentucky Transitional Assistance Program assistance, Kinship Care or Medicaid will automatically receive P-EBT on their EBT cards and do not need to apply separately. P-EBT benefits will be added to existing EBT cards no later than May 28. Families of all other children must complete a short online application and will be mailed an EBT card with instructions on how to activate and use their card. The online application will be available June 2 through June 30 at www.benefind.ky.gov .

Students who became eligible for free or reduced lunch after March 13 are eligible for P-EBT. The deadline for new households to apply is June 30. To apply for P-EBT, visit www.benefind.ky.gov.

We will be scheduling update webinars on an as needed basis as new guidance & information become available related to our children/adults with disabilities, parents/families and professionals.

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

SIGN UP ☑

Questions??

Questions are the path to learning

(800) 525-7746
(502) 937-6894
spininc@kyspin.com
www.kyspin.com

Please complete our evaluation at the end of the webinar.

Thank you!