



Presents

**“KY-SPIN’s Tuesday Tips ” – How To
Implement the Individual Education
Program (IEP) with a Change of Location
During COVID-19 Webinar
8/25/20**

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

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.

Federal Laws: Individuals with Disabilities Education Act (IDEA), Section 504 and Title II of the ADA



& State Law Kentucky

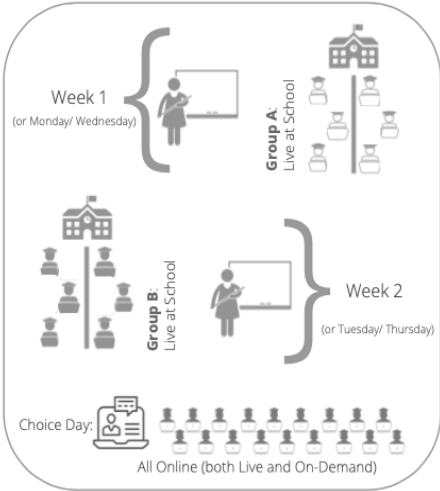
Administrative Regulations (KAR) laws/regulations, which includes timelines they set in place, have not changed, **but.....**

the laws did not address what to do in a pandemic.

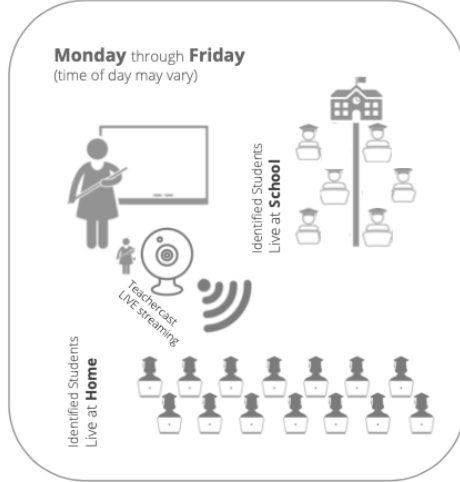
KDE Releases Guidance on Alternative Learning Strategies for Reopening Schools

Considerations for Alternative Learning Experiences:

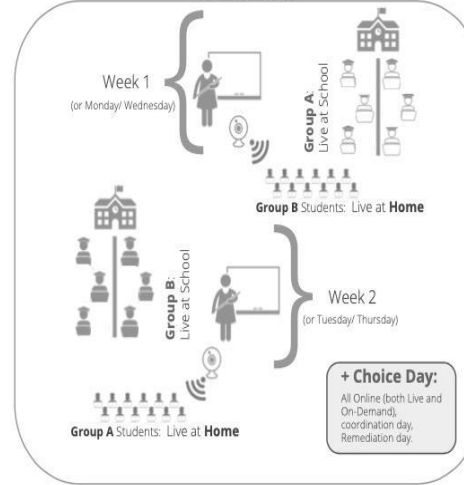
Strategy 1
(Scheduled Rotation)



Strategy 2
(Synchronous Opt-In Hybrid)



Strategy 3
(Combination)



Strategy 4
(Online, Virtual, & Expanded)



....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.

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)

“.....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)

KDE Reopening Considerations for Exceptional Learners and Preschool Students 7-20-20



Question 8

Should ARCs develop a contingency plan?

Answer 8

During this unprecedented time, it may be impossible to predict when and if schools may need to close again to in-person instruction due to a COVID-19 outbreak. ARCs may choose to develop contingency plans to address students' needs during NTI. According to the U.S. Department of Education's ["Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak,"](#) ARCs may include distance learning plans in a student's IEP that could be implemented during a closure due to COVID-19. In this case the contingency plan may include information regarding the provision of special education and related services through an alternate location or through alternate means.

Developing a contingency plan provides an opportunity for staff and parents to clearly communicate the expectations for NTI and to document how special education and related services will be provided during these unique circumstances. Establishing a contingency plan early minimizes questions that may arise regarding how to implement a student's IEP if changes occur and schools quickly transition to NTI.

Contingency Plan

Request an ARC/IEP team meeting to develop contingency plan:

Who, What, When, Where and How?

Make sure the plan is detailed, everyone knows/understands plan and everyone involved (including the child) has adequate resources to follow the plan

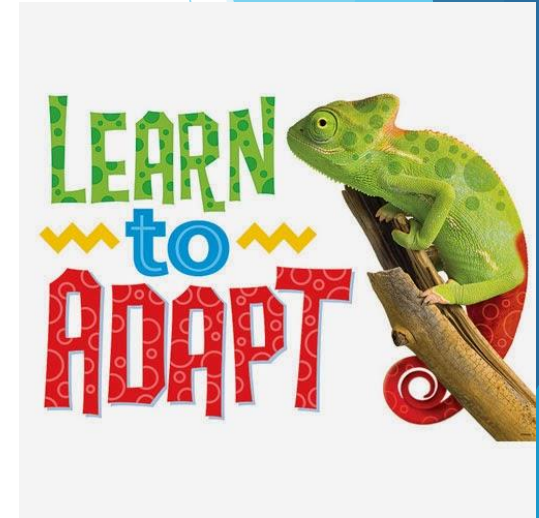


During Change of Location Due to COVID- 19

Examples of IEP Goals, Objectives,
Related Services & Accommodations

Tip will be alternate ways to
provide IEP services and
supports in a Change of location

Keep in mind all IEP's will be different
and unique to your child, these are just
examples how you can adapt them due
to change of location



Goal: When given 20 content related vocabulary words, Mary will orally define 18/20 words correctly for 4 consecutive probes as measured by weekly checklist. *(KDE Guidance Document for Individual Education Program (IEP) Development July 2019)*

Tips:

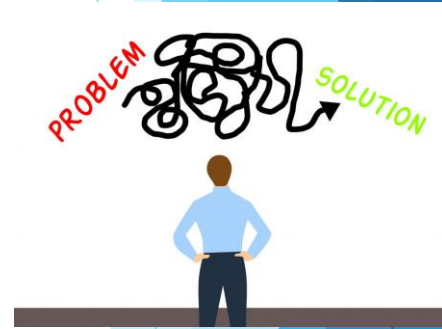
Mary can still work toward this goal virtually. This will provide an excellent opportunity for 1:1 interaction with her teacher, while the teacher gives the vocabulary words orally, and Mary defines them. The teacher will use the checklist for measurement.



Goal: When given social conflict scenarios, Chuck will demonstrate problem solving skills by identifying the problem and identifying two solutions appropriate solutions to the situation in 4/5 trials, as measured by data collection. (20 IEP Goals: Social Skills: Social Emotional: SEL. (2020, June 04). Retrieved August 21, 2020, from <https://adayinourshoes.com/social-skills-iep-goals/>)

Tips:

This goal can be easily be worked on with her teacher virtually. The teacher can read/discuss the scenarios and record the data following each trial.



Goal: During unstructured play times, Steve will interact with peers in an appropriate manner through maintaining personal space and a respectful voice for an average 80% of intervals, measured by a checklist over a 2 week period.

(20 IEP Goals: Social Skills: Social Emotional: SEL. (2020, June 04). Retrieved August 21, 2020, from <https://adayinourshoes.com/social-skills-iep-goals/>)

Tips:

This goal can be worked towards by observing Steve while interacting with siblings or parents. Parents can record data during viewed interactions, or the teacher could “call in” to observe virtually.



Sally has a
Functional
Mental
Disability

Goal: *When presented with functional words/survival signs, Sally will say the word, select the correct meaning/sign and describe the word to 100% accuracy on 3 consecutive trials.*

Tips:

Sally could still work on this goal virtually with safety programs that are found online or the teacher could do this with her by showing words/survival pictures via Zoom or Google Classroom and monitor the student's answers.

Specially designed instruction could still come from technology/computer instruction, modeling and manipulatives provided to the student ahead of time.



Sally has a
Functional
Mental
Disability

Goal: When presented with a list of items, Sally will locate the prices, figure the amount, and determine if it is within his budget to 100% accuracy over 5 consecutive sessions.

Tips:

Sally could do this virtually with the use of internet websites, online menus, manipulatives provided ahead of time, calculator and repetitive practice with the teacher face to face via Zoom or Google Classroom.

Sally could also visit grocery websites and create a shopping list and look up prices all from the store's website.



Goal: Sally will identify and locate the bank by giving direction and assessing services with adult assistance on 2 out of 4 occasions monthly as measured by observational and checklist data out in the community.

Tips:

Sally will not be able to physically locate the bank in the community BUT she could locate the bank online as another option. This is a prime opportunity for a teacher to be virtually face to face with the her, explain how to do the online banking process and download the banking app to their phone. It could even go as far as depositing their check (if applicable), paying bills and budgeting. The skill could still be taught and monitored.

Since the in-person part of having her physically locate it in the community she can't do, but the accessing she can. This is a prime opportunity for a teacher to be virtually face to face with Sally, explain how to do on-line banking through the internet and/or bank app on her phone or computer. The teacher could step through how she can access the bank account, budget money and pay bills, etc. Parents are not responsible for the work, teachers or their assistants are the ones who would have been doing it in person, but now the skill is taught virtually and monitored. Sally can also take a virtual road-trip to the bank.

Benchmarks:

1. Deposit paycheck in account at bank (now could be online).
2. Memorize Pin (this can still occur since it is needed online also).
3. Check bank account balance (this can still occur online).

Sally has a
Functional
Mental
Disability

Grade 14:
Transition year



Goal: *Tyrone will ask when he needs help or a break 80% of the time as measured by every week on a teacher checklist.*

Tips:

To work on this goal virtually, Tyrone could work one on one with the teacher, by using social stories and role play to practice asking for help when needed.

Everyone working with Tyrone could incorporate prompts to assist with asking for help and the need for a break.



Tyrone
has
Autism

Goal: *Tyrone will use a de-escalation strategy when he gets stressed, upset, or frustrated 80% of the time as measured every week by the teacher checklist.*

Tips:

To adapt this goal to virtual instruction, Tyrone could get additional instruction time to work one on one with a teacher, counselor, or case manager, to practice coping strategies such as deep breathing exercises, visualizing a relaxing scene, or counting backwards, etc.



Related Service: Speech Therapy

Marla has a
Specific
Learning
Disability

Goal:

Marla will look at a picture for understanding and be able to respond by telling a story verbally.

Tip:

Marla's speech and language therapist would still be able to implement Marla's assignments on line virtual zoom or facetime by displaying the pictures and having Marla tell her the story orally.



SPEECH -
LANGUAGE
THERAPY

Related Service: Occupational Therapy

Marla has a
Specific
Learning
Disability

Tips:

Marla's occupational therapist could help her parents virtually on setting up a classroom at home.

Examples of things Marla would need for her therapy is finger paints, make pudding and let her run her fingers through it. With her face looking forward carry her and jog every morning before school starts to stimulate her



Accommodations:

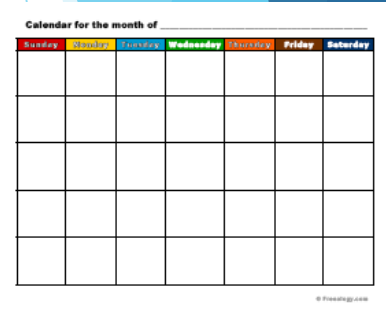
Steve has a
ADHD

Under Steve's accommodations he has an organizational scheduler and prompts to help stay on task.

Tips:

Steve could use an app on his phone, calendar on the chrome book, and/or printed schedule to keep organized and on track. Schedule breaks throughout the day.

Having his work area set up where there is the least amount of distractions is key. The teacher can use prompts when working with him virtually.



Accommodations:

Moe has scribe, reader, untimed testing, one-on-one assistance.

Tips:

Moe's teachers and/or aide can virtually read information to him, write his answers down and build untimed testing in their virtual session.

Moe can also use prerecorded lessons/stories through internet/cd. There may also be a program Moe has access to at home that is a text reader.

Moe can also receive one-on-one assistance with class work through virtual means.

Moe has
Cerebral Palsy
and is legally
Blind



KDE COVID Guidance Compensatory Education and Extended School Year Services 7-20-20

Free Appropriate Public Education (FAPE)

During Remote Instruction Regardless of the instructional delivery model, local school districts remain responsible for providing a Free Appropriate Public Education (FAPE) to students with disabilities. As a result of a quick transition to remote instruction coupled with the uncertainty of how to safely reopen schools for the 2020-2021 school year, local districts have been, and continue to be, faced with finding creative ways to ensure students with disabilities are being provided a FAPE while also ensuring that the health and safety of all students and staff are top priorities.

As a result of the inability to provide face-to-face instruction, there may be certain special education and related services that are difficult, or even impossible, to provide during times of remote instruction.

When special education and related services are not provided in accordance with the Individual Education Program (IEP), regardless of the reason why, it may result in a denial of FAPE. The remedy for failing to provide FAPE is compensatory education services. The goal of compensatory education services is to place the student in the position he or she would have otherwise been in had there not been a denial of FAPE.



Compensatory Education

Compensatory Education Compensatory education is not defined in the Individuals with Disabilities Education Act (IDEA) or [Kentucky Administrative Regulations on Special Education Programs](#) (August 2008). Compensatory education has been shaped by case law as well as nonregulatory guidance from the United States Department of Education's (USED) Office of Special Education Programs (OSEP).

Compensatory education may be awarded to a student as a result of an IDEA dispute or by the student's Admissions and Release Committee (ARC) as a voluntary remedy for failing to provide a FAPE. When designing compensatory education services owed to a student, the student's ARC, which includes the student's parents and guardians, must make specific decisions regarding the type, location and amount of services to be provided.



Compensatory Education

1. Look at your current IEP: The services and supports list you created
2. List what services and supports were not able to be provided last year and into this year due to COVID?
3. Meet with IEP/ARC team to discuss and develop a plan for any compensatory education that will be needed
4. In the meeting decide if this something that can be provided now, when children are back in-person to some extent or when they are back in person 100% of the time
5. Remember compensatory education does not happen, get provided during normal school time they are receiving their current education



Record Keeping

Documentation is Key so that everyone has a clear picture and understanding of Who, What, When, Where and How

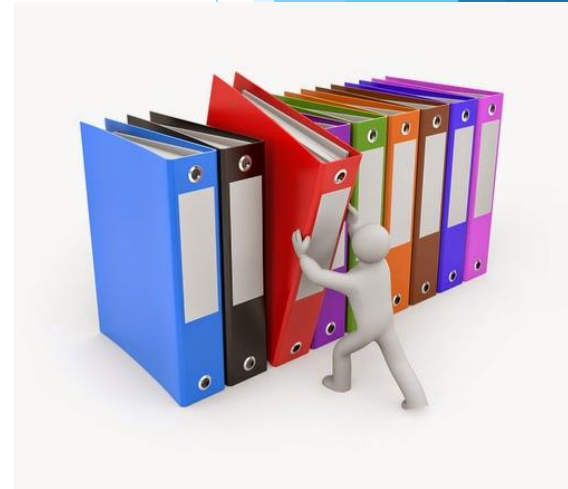
Make sure you keep copies of IEP's, even if you update your child's IEP to reflect where they currently are at.

The previous IEP will be important in determining compensatory education for the time it covered during COVID

Create and IEP Binder

[KY-SPIN Creating your own IEP Binder](#) Video

KY-SPIN [Record Keeping](#) Info Sheet



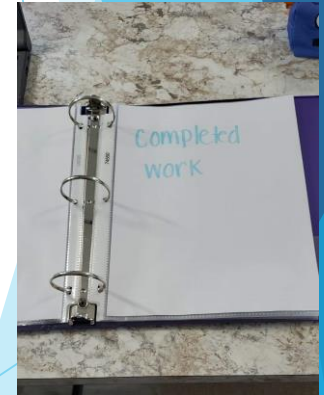
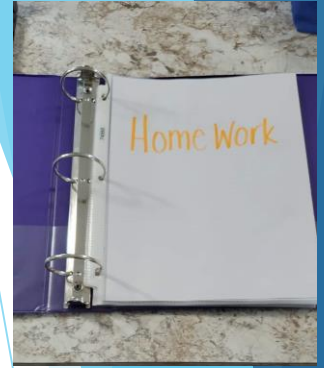
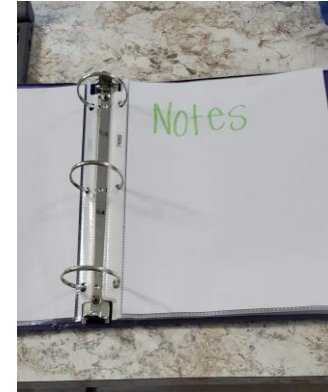
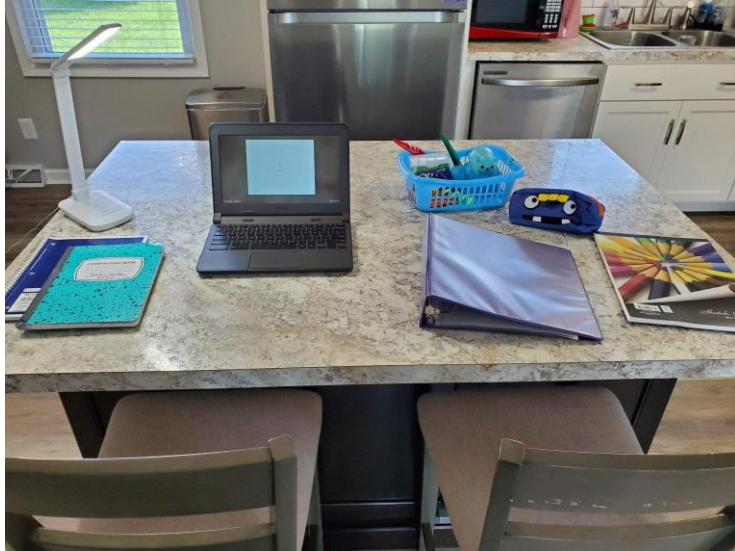
Tips Set up Your Child's Work Space

This example was \$8 spent at Dollar Tree Store by KY-SPIN Staff



Tips Set up Your Child's Work Space

This example was no money spent only by KY-SPIN Staff items in their house.



Resources

- ▶ 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: [COVID-19 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

....Continued Resources

- **KY Dept of Education:** [KDE releases COVID-19 guidance on class size, libraries](#) Press Release 8/10/20
Guidance Document [KDE: COVID-19 Considerations for Reopening Schools: Class Sizes in Virtual Programs and Courses](#) 8/10/20
- **KY Dept of Education:** [KDE releases COVID-19 reopening guidance on assigning staff in instructional settings](#) 7/28/20
Press Release - Guidance Document: [KDE COVID-19 Considerations for Reopening Schools Flexibility for Assigning Staff in the COVID-19 Instructional Setting 7-24-20](#)
- **KY Dept of Education:** [KDE virtual town hall answers Kentucky teachers' questions about reopening](#) 7/23/20 Press Release - Teachers and staff submitted more than 250 questions in advance, and panelists answered as many as they could that concerned state-level decisions and policy. Questions they ran out of time for (and that are related to state-level decisions and policy) will be answered online on KDE's [COVID-19 FAQ Spreadsheet](#)
- **KY Dept of Education:** [KDE releases new COVID-19 reopening guidance documents on exceptional learners, compensatory education, daily participation for NTI](#) 7/20/20 Press Release
Guidance Documents:
 - ▶ [KDE Reopening Considerations for Exceptional Learners and Preschool Students 7-20-20](#)
 - ▶ [KDE Participation Guidance: Daily Participation and Non-Traditional Instruction 7-20-20](#)
 - ▶ [KDE 7-20-20 COVID Guidance Compensatory Education and Extended School Year Services](#)
- ▶ **KY Dept of Education:** [KDE releases guidance on gauging COVID-19 learning gaps](#) 7/13/20 Press Release
Guidance Document [KDE Academic Re-entry, Stage Two Meeting Learners' Academic Needs 7-13-20](#)
- ▶ **OSEP COVID-19 Questions & Answers: Implementation of IDEA Part B and Part C Procedural Safeguards** 6/30/20 OSEP Press Release **Guidance Documents:** [IDEA Part B Procedural Safeguards June 30, 2020](#) & [IDEA Part C Procedural Safeguards June 30, 2020](#)
- ▶ **OSEP COVID-19 Questions & Answers: Implementation of IDEA Parts B and C Dispute Resolution Procedures** 6/22/20 (Part B is 3-21 & Part C is Birth-3 years old): [OSEP COVID-19 Questions & Answers: Implementation of IDEA Parts B Dispute Resolution Procedures 6-22-20](#) & [OSEP COVID-19 Questions & Answers: Implementation of IDEA Parts C Dispute Resolution Procedures 6-22-20](#)



Free WIFI & Phone Services

- ▶ [WellCare Safelink Phone Program](#): Eligible WellCare members can get a free smartphone, with free text messages, data and minutes each month.
- ▶ McDonald's has free wifi that can be accessed from their parking lot for families that do not have internet access.
- ▶ Charter Communications (the parent company of Spectrum News) will open its more than half a million wifi hotspots across the country for public use. To enroll in the free broadband and wifi program, call 1-844-488-8395.



“KY-SPIN’s Tuesday Tips” webinars
will be every Tuesday at 11:00 am. (EST)
They will include latest information and guidance.
Topics will vary...

Join us every Thursday for additional webinars on a
variety of topics!

For most up-to-date information/resources for
individuals with disabilities, their families and
professionals during COVID-19,
please visit our [webpage](#)

We also will have our [KY-SPIN eNews](#) that goes out on
a regular basis to our listserv.



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!