Presents
KY-SPIN's Tuesday Tips Webinar: Remote Learning for Students with IEP's and School Re-Entry Webinar
9/22/20

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KY-SPIN

(Special Parent Involvement Network)
<u>Parent Training & Information (PTI) Center</u>

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.

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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

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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.

….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)). <u>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.</u> (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.

Gov. Beshear Provides Update on COVID-19 8/10/20

School Opening Guidance

Gov. Beshear and administration officials, in consultation with Kentucky teachers and school administrators, on Monday announced new guidance for schools that are planning for the fall semester.

"Our recommendation today is that schools wait to begin in-person classes until Sept. 28," the Governor said. "Yes, that's six weeks from now, but it's also six weeks from what I hope is the peak of this virus, six weeks from the last three weeks where we have been at an all-time high week in and week out, six weeks from a time when we just had a 6% positivity rate. Let's face it, we're trying really hard and we've taken good steps. Masks are working. But we do not have control over this virus. And to send tens of thousands of our kids back into in-person classes when we don't have control of this virus, it's not the right thing to do for these kids, it's not the right thing to do for their faculty and it's not the right thing to do as Governor."

He said the decision was driven by four factors: Kentucky's cases being near a peak, an increase in infection rates among children across the U.S., the experience of school districts in other states and families continuing to travel to hotspots for vacations against the advice of health officials.

"I think what all of the health care specialists said when we talked about reopening, is we need to be looking at a decline. In other words, we need to get our positive rate down," the Governor said. "On top of that, what we're seeing are more outbreaks and more infections in kids. The two hardest things I do every day is read the deaths and the number of kids infected under 5. And it's not just kids under 5. We're having record numbers of children that are infected, and it shows this infection spreads to them when we still don't know the long-term impact. What we do know is children have a harder time social distancing. And we can't put a whole bunch of them in a classroom with a teacher right now. Other states that have tried to open this new school year are now having to close. We don't want to start and stop. That may be more difficult on our children."

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# Tip's for Remote Learning for Students with IEP's

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
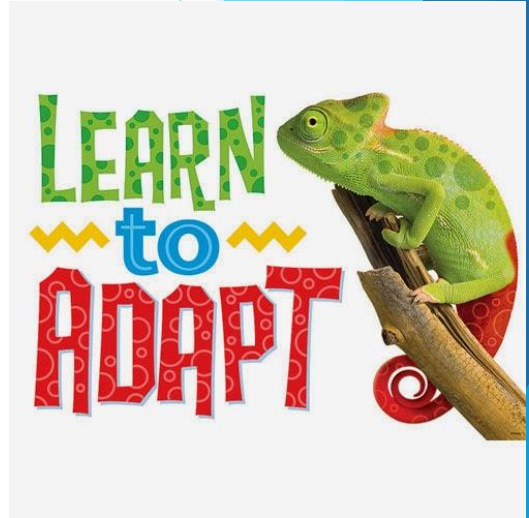
Tip: Communication

Who, When and How is the IEP going to be implemented?

Look at each section of the IEP to determine each of these.

What is the game plan?

What supports are needed for those who are providing it?

Tip: IEP's Specially Designed Instruction (SDI), Related Services, Accommodations, Modifications, etc.

- **In remote learning these are to be provided, although it maybe through alternate means.**
- **Develop a plan (who, what, when and where)**
- **What supports do you need to help your child**

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.

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Contingency Plan Tips

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

Tip: Progress Reporting

Knowing your child's progress/data on where they are right now will help you plan.

Request updates to monitor progress

Tip: Behavior

How is your child doing in remote learning

Examples:
Is it a struggle to get them to do the work?
Are they having behavior issues?
Are strategies working in remote learning setting?
Are they depressed?
How are they doing socially and emotionally through this?

Tip: Supports for Parents/Caregivers

Do you have what you need to help your child?

What are the barriers you are having?
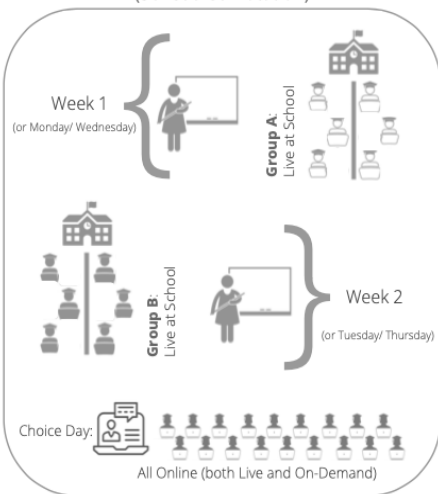
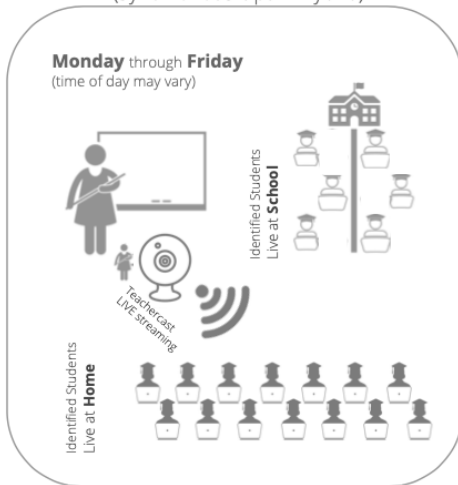Schedules & Responsibilities

School Re-Entry

KDE Releases Guidance on Alternative Learning Strategies for Reopening Schools
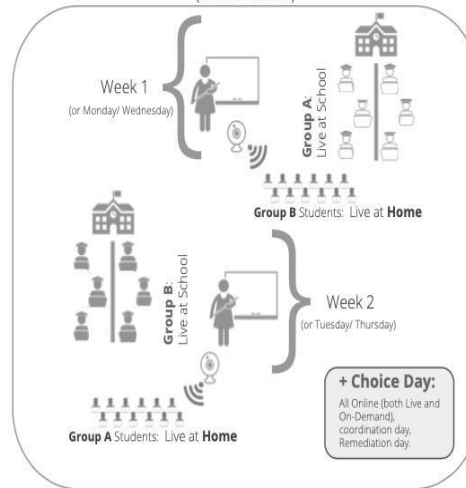
Considerations for Alternative Learning Experiences:

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

…Continued

Least Restrictive Environment

Local school districts are planning for a variety of instructional delivery models for the 2020- 2021 school year, including traditional in-person instruction, periods of complete virtual learning through non-traditional instruction (NTI) and days of blended in-person and remote delivery. Regardless of the district's chosen delivery model, schools should be cognizant of the effects social distancing may have on a student's Least Restrictive Environment (LRE). In a small number of cases, long-term remote instruction may have caused a need for the student's LRE to be reviewed by the ARC. Some students may need a more restrictive environment upon their return. Other students may have done well during remote instruction and will need a less restrictive environment upon their return.

Practices such as placing all students with disabilities in the same classroom in response to the pandemic may result in a denial of a FAPE. According to 707 KAR 1:350, Section 1, which outlines the requirements for placement decisions, the district shall ensure that to the maximum extent appropriate, children with disabilities are educated with children who are nondisabled. A child with a disability shall not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum. Placement decisions must be made by the ARC and based on the individual needs of students.

It is important to note, an ARC may not be required to determine a change in placement if the district is practicing non-traditional instruction. Because the instructional setting of the regular classroom becomes remote, the extent to which a student participates in the regular education environment does not change. Therefore, it would be considered a change of location, not a change of placement.

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Special Education Questions and Answers

Question 1
Must students with sensory issues, behavior issues or health concerns wear masks?
If not, is a doctor's directive required or is it an ARC decision?

Answer 1
If a student with a disability presents with a doctor's note referencing the need for a <u>waiver of the face mask requirement</u>, an ARC meeting is not necessary. The school should immediately grant the waiver and begin implementation. <u>Doctor's notes can be written by anyone on the student's medical team who is qualified to make that determination. For example, notes from a physician's assistant or nurse practitioner should be accepted.</u> Schools and ARCs already may have substantial information about the medical issues of children that may cause mask wearing to be problematic. In these cases, an ARC meeting should occur to discuss the information and determine the appropriateness of a face mask. <u>If a waiver is approved by the ARC, it should be documented in the student's IEP and implemented immediately.</u>
In both cases, the student's teachers should be notified of the waiver. There may be additional staff in the building who should also be notified about the waiver to prevent staff from requiring the student to wear a mask. Schools should consider ways to help students identify themselves as having an approved waiver. An example of how to do this includes giving a student a card he or she can carry and produce to staff members when asked to don a mask they are not required to wear.
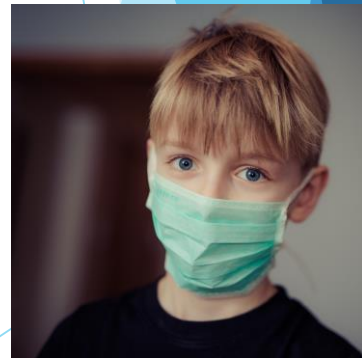
The Kentucky Department for Public Health (DPH) has created a four-color metric to guide school officials in deciding whether to offer in person, virtual or hybrid instruction amid the COVID-19 pandemic.

Decisions on school instruction and activity for each coming week should be based on the color level at 8 p.m. ET each Thursday.

The color-coded system recommends specific mitigation measures based on levels of disease transmission. The four levels are: Green, Yellow, Orange & Red

KDE & KPH COVID-19 Mode of Instruction Metrics for K-12 Education Guidance Document 9-14-20
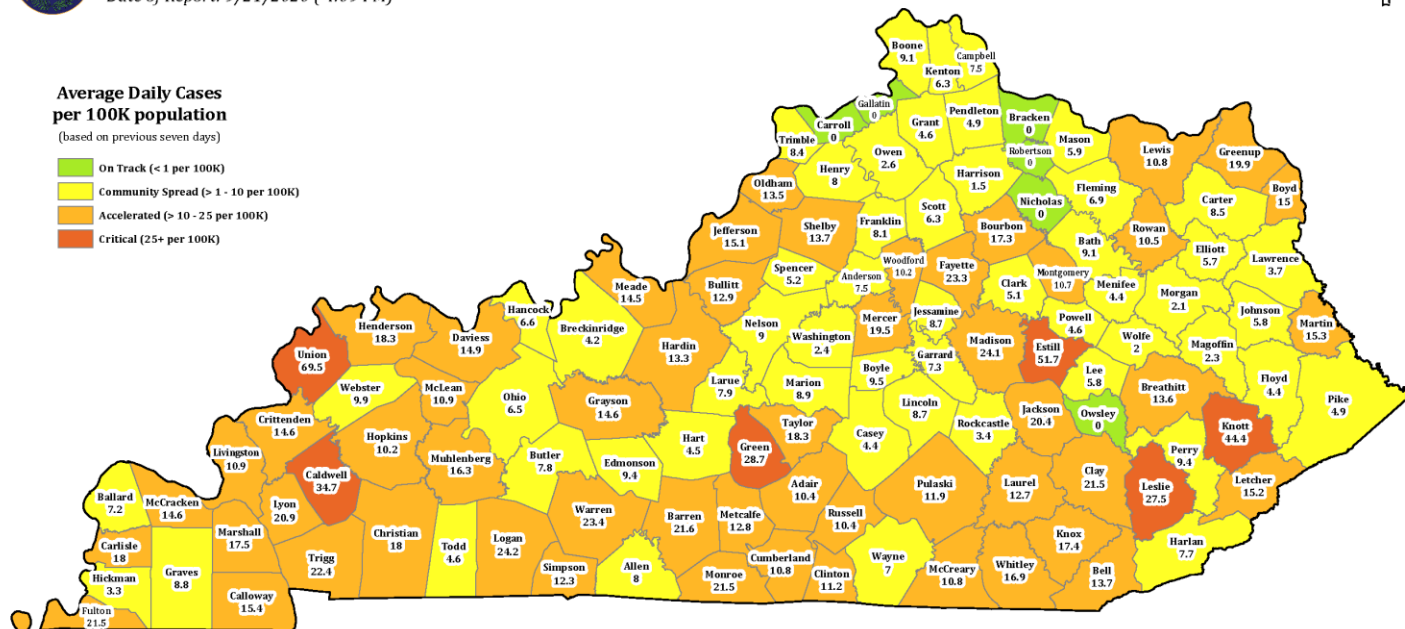**To see the Current map at anytime go to https://govstatus.egov.com/kycovid19**

GREEN	YELLOW	ORANGE	RED
Minimal Community Transmission "On Track" < 1 CASES/100,000 PEOPLE DAILY *In Person or Remote Learning*	Increased Community Transmission "Community Spread" >1 - 10 CASES/100,000 PEOPLE DAILY *In Person or Remote Learning*	Heightened Community Transmission "Accelerated" >10 - 25 CASES/100,000 PEOPLE DAILY *Consider Remote Learning ONLY*	Substantial Community Transmission "Critical" >25 CASES/100,000 PEOPLE DAILY *Remote Learning ONLY*
➢ Maintain best health practices for social distancing, mask use, handwashing, and sanitation as per Healthy At Schools Guidance on Safety Expectations and Best Practices for Kentucky Schools (K-12) ➢ Encourage small group cohorts in classrooms for in person instruction to reduce transmission ➢ Cancel field trips/assemblies or other large group activities ➢ Adhere to Governor's current guidance regarding group gatherings (see Guidance and Requirements) ➢ Encourage the school community to actively continue COVID-19 safety guidelines ➢ Limit any nonessential visitors, volunteers and activities who are not from the local geographic area, e.g., community, town, city, county ➢ At any level, if an outbreak is determined by the LHD, guidance may be provided to close a classroom or individual school	➢ Maintain best health practices for social distancing, mask use, handwashing, and sanitation as per Healthy At Schools Guidance on Safety Expectations and Best Practices for Kentucky Schools (K-12) ➢ Encourage small student cohorts in classrooms for in person instruction to reduce transmission ➢ Cancel field trips/assemblies or other large group activities ➢ Adhere to Governor's current guidance regarding group gatherings (see Guidance and Requirements) ➢ Local officials, school administrators and public health leaders will coordinate additional mitigation needed ➢ Address with school community need to actively engage in heightened safety precautions to prevent ongoing cases or school closure ➢ At any level if an outbreak is determined by the LHD, guidance may be provided to close a classroom or individual school	➢ Assure highest level of best health practices for social distancing, mask use, handwashing, and sanitation as per Healthy At Schools Guidance on Safety Expectations and Best Practices for Kentucky Schools (K-12) ➢ Consider requiring small student cohorts in classrooms for in person instruction to reduce transmission ➢ Cancel field trips/assemblies or other large group activities ➢ Adhere to Governor's current guidance regarding group gatherings (see Guidance and Requirements) ➢ Local officials, school administrators and public health leaders will collaborative to implement aggressive mitigation measures both in schools and in communities ➢ Encourage school community to aggressively engage in safety precautions to prevent ongoing increase in cases resulting in school closure ➢ If the decision is made to move to remote learning, schools may at their own discretion bring small groups of students into the building to receive targeted services that supplements learning	➢ Essential staff entering facility, must practice best health practices for social distancing, mask use, handwashing, and sanitation as per Healthy At Schools Guidance on Safety Expectations and Best Practices for Kentucky Schools (K-12) ➢ Suspend in person instruction activities until Yellow Level is achieved at a future weekly decision point ➢ Activate remote learning ➢ Continue essential student support services including meals, student engagement and special education service ➢ Schools may at their own discretion bring small groups of students into the building to receive targeted services that supplements learning ➢ Community must return to Yellow Level at future weekly checkpoint before resuming in person learning
➢ Athletic activities allowed per KHSAA (see COVID-19 Fall Resumption Documents)	➢ Athletic activities allowed per KHSAA (see COVID-19 Fall Resumption Documents)	➢ Athletic activities allowed per KHSAA (see COVID-19 Fall Resumption Documents)	➢ Suspend all school-related athletic (per KHSAA guidance) and extracurricular activities

KDE & KPH COVID-19 Mode of Instruction Metrics for K-12 Education Guidance Document 9-14-20
To see the Current map at anytime go to https://govstatus.egov.com/kycovid19

COVID-19 Current Incidence Rate in Kentucky
Date of Report: 9/21/2020 (4:09 PM)

KDE & KPH COVID-19 Mode of Instruction Metrics for K-12 Education Guidance Document 9-14-20
To see the Current map at anytime go to https://govstatus.egov.com/kycovid19

Considerations for Targeted Services

Schools may, at their own discretion, bring small groups of students into the building to receive targeted services that supplement learning. These targeted services could include activities such as:
• Evaluation,
• Necessary hands on experiences (career and technical education),
• Mental health or academic counseling,
• Occupational, physical or speech therapy, or
• Targeted remediation or tutoring.

When coordinating targeted services, schools must maintain the expectations outlined in the Guidance on Safety Expectations and Best Practices for Kentucky Schools (K-12) document, including social distancing, temperature checks, and mask requirements.

Considerations for Special Populations

Schools may need to conduct assessments for eligibility and identification of students with suspected disabilities. Assessments should be conducted virtually when possible. However, in some cases, assessments may need to be conducted in person. When in-person assessments are required, schools should schedule a time to meet with the student at the school and must follow the expectations found in the Guidance on Safety Expectations and Best Practices for Kentucky Schools (K-12).

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: [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

- KDE: New DPH metric designed to help Kentucky school districts decide on virtual or in-person classes Press Release 9/15/20 KDE & KPH COVID-19 Mode of Instruction Metrics for K-12 Education Guidance Document 9-14-20   To see the Current map at anytime go to https://govstatus.egov.com/kycovid19

- KDE: COVID-19 Considerations for Reopening Schools *Updated: Sept. 2, 2020*

- **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 Pro 22-20 & OSEP COVID-19 Questions & Answers: Implementation of IDEA **Parts C** Dispute Resolution Procedures 6-22-20

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.

"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

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Please complete our evaluation at the end of the webinar.

Thank you!