

CORONAVIRUS/COVID-19 FREQUENTLY ASKED QUESTIONS FOR SCHOOLS AND DISTRICTS REGARDING SPECIAL EDUCATION (From DESE)

March 17, 2020

Given the increasing number of cases of COVID-19 in Massachusetts, and out of an abundance of caution for the health and safety of children and school staff, Governor Baker has ordered a three-week suspension of school operations for educational purposes at all public and private elementary and secondary (K-12) schools in the commonwealth, beginning Tuesday, March 17. Schools shall not re-open for normal operations before Monday, April 6. Please note that this mandated closure does not apply to residential and day schools for students with disabilities.

The suspension of educational programming will not necessarily affect the availability of school buildings for the provision of food or other essential non-educational services. The Department encourages schools and districts to provide alternative remote enrichment activities for students during the period of school closure. Superintendents must consult with school committees, teaching staff, and other stakeholders about how to provide students with access to alternative learning opportunities based on considerations of equity and the availability of resources.

The Department provides the following guidance specific to implementation of special education services during this period of school closure. These responses are based on guidance recently issued by the U.S. Department of Education, available at: <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf>, and additional information being made available by the Massachusetts Department of Elementary and Secondary Education. We will update this memorandum frequently as new information is available.

Special Education Services and Learning Opportunities

Q: During the period of time a district is closed related to COVID-19, must the district provide special education services to students with disabilities?

When a school district is closed during this ongoing public health emergency and does not provide any educational services to the general student population during the period of closure, the school district is not required to provide services to students with disabilities during that same period of time. Districts should be communicating with parents and guardians during and after a school closure regarding their child's IEP services. This ongoing communication will help educators, administrators, and parents/guardians understand any impact of the closure on students' access to a free appropriate public education. After an extended closure, districts

should review how the closure impacted the delivery of special education and related services to students and convene individual IEP team meetings, as necessary, in order to make an individualized determination as to whether additional services are needed for individual students.

Q: What are the district's obligations to provide FAPE to students with disabilities during extended school closures related to this health emergency?

A district is not required to provide services to students with disabilities during extended school closures if the district does not provide any educational services to students during this period of time. Once school resumes, the district should review how the closure impacted the delivery of special education and related services to individual students and convene IEP team meetings as necessary in order to make an individualized determination as to whether a student needs additional services.

Educational Resources

Q: How can I provide students with disabilities with educational resources during the period of school closure?

Although schools are suspending in-person educational operations, staff should be planning for how best to equitably provide alternative access to educational resources during this period of school closure. All students can benefit from the structure of learning activities when school is closed. Educational resources could include reading lists, Internet-based lessons, work packets, or other available learning approaches. These resources will assist in maintaining continuity of learning experiences for students and a connection to classmates and teachers during the period of closure. In preparing these resources, districts should consider accommodations and modifications that students need to ensure equal opportunity of access.

The Department encourages educators and administrators to reach out to students and families by phone, email, and other means of communication during a period of extended closure. For example, counselors, special educators, related services providers, and general educators may provide needed support to students remotely during periods of extended closure.

The Department will post information about available educational resources on its website here. We will update this resource list as new resources are identified.

Q: How do the school closures impact special education students who receive services in community-based settings and students who participate in inclusive concurrent enrollment programs at institutions of higher education?

A district is not required to provide services to students with disabilities during extended school closures if the district does not provide any educational services to students during this time. This includes services that are provided in community-based settings and participation in inclusive concurrent enrollment programs at institutions of higher education. Once school resumes, the district should review how the closure impacted the delivery of special education and related services to individual students and convene individual IEP team meetings as necessary to make an individualized determination about whether a student needs additional services.

Q: Are all students eligible for compensatory services following these extended school closures?

Whether a student with disabilities is entitled to receive additional services because of the school's closure is an individualized determination to be made by the IEP team. Teams should consider factors such as the student's academic progress to date towards their IEP goals, the nature of the service(s) missed, the frequency of the service(s) missed, reports from providers, previous educational history, history and concerns of substantial regression. Team decisions must be documented in accordance with IEP procedures, e.g., N1.

Q: After schools reopen, does a student need to submit a doctor's note if they need to be out longer for personal health reasons?

Given the current health crisis, the Department does not recommend requiring a physician's note for attendance-related purposes for students who may need to be out for a longer time period. If the student's parents, however, are seeking home or hospital services educational services during the additional time, the regular home/hospital process must be followed, including the completion of the Physician's Affirmation of Need for Temporary Home or Hospital Education for Medically Necessary Reasons, which requires a physician's signature.

Out-of-District Placements and Approved Special Education Schools and Programs

Q: Must public and private approved day or residential programs comply with the Governor's closure order?

We recognize that day and residential programs serve some of the most vulnerable students in the Commonwealth and are confident that you and your staff are making appropriate decisions to ensure the health and safety of the students for whom you educate. COVID-19 is a fluid

situation and decisions are evolving. While public and private residential and day special education schools were not included in the Governor's March 15, 2020 Order, these schools should refer to the four scenarios described in Commissioner Riley's Guidance to Elementary and Secondary Schools Regarding COVID-19 on Friday, March 13, 2020 (available at <https://www.mass.gov/doc/guidance-to-elementary-and-secondary-schools-regarding-covid-19>) to determine whether a student or staff should be in isolation, quarantined, or to determine whether a school should close.

Q: My student's out-of-district day program is staying open. Do school districts need to provide transportation for students in approved private special education schools out-of-district that remain open?

The Department encourages school districts to continue to provide transportation for students who attend out-of-district special education schools or programs that remain open.

Q: Do school districts need to provide transportation for special education students placed at unapproved special education schools or programs?

The Department encourages school districts to continue to provide transportation for students who attend out-of-district special education schools or programs that remain open.

Q: Is "circuit breaker" reimbursement available to cover costs incurred during a student's temporary absence related to school closures?

Generally, "circuit breaker" provisions authorize reimbursement for IEP program costs during the period of a student's temporary absence, provided the absence does not exceed 20 consecutive school days. See [603 CMR 10.07\(5\)-\(11\)](#). In an effort to provide continuity for students and support to approved private or public day or residential special education schools during this time, the Department will consider and process requests for "circuit breaker" reimbursement from school districts for placements at residential and day special education schools for up to 20 days, even if the special education school is closed during that time. The Department is continuing to assess our guidance on this topic as the situation evolves.

State and Federal Timelines and Related Activities

Q: Will mediations that are scheduled with the BSEA occur during the period of school closures?

Effective March 15, 2020, the Bureau of Special Education Appeals will not hold mediations in person until further notice. Opportunities for remote participation will be offered, as feasible. The BSEA will contact parties as the date of the scheduled proceeding approaches to make necessary arrangements.

Q: Will the MCAS testing windows and the deadline for the MCAS-Alt submissions be extended?

The Department has not made any changes to the MCAS testing schedule or the deadlines for MCAS-Alt submissions at this time but is evaluating appropriate extensions or changes of the assessment windows, or additional action that may be needed. More guidance will be forthcoming.

IEP Meetings

Q: A student's IEP expires during the school closure period. Will it still be in effect?

Yes. The current IEP will remain in effect until a new IEP is developed, irrespective of the expired date reflected in the IEP forms.

Q: How can the district hold an IEP Team meeting if school is closed or Team members can't meet face-to-face?

We recognize that under the Governor's Order, public school districts are not currently operating. While IEP teams are not required to meet in person while schools are closed, the district may elect to conduct some business virtually. If possible, school districts could convene IEP Team meetings virtually using technologies such as Zoom or phone conferences. Districts must consider whether all IEP team members have access to necessary technology and accommodations to allow remote participation during periods of school closure.

Other special education topics DESE will address in future guidance:

- School days for approved day programs
- MCAS testing schedule
- MCAS-Alt deadlines
- Paying hourly staff/service providers
- Parent information
- Canceling April vacation
- Vocational schools