



May 28, 2020

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Navigating the COVID-19 Crisis



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Four Priorities for Special Education:



1 Focus on the safety, health, and welfare of students and staff members in your community.



2 Provide FAPE - Deliver services to as many students as you reasonably can in the best way you know how.

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3 Document your efforts; make sure documentation is focused, consistent, detailed and demonstrates a good faith effort to provide good services.

4 Compliance during the pandemic - IDEA wasn't built for this.

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Four Priorities for Special Education:

1 Focus on the safety, health, and welfare of students and staff members in your community.



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Do	Don't
<ul style="list-style-type: none">● Follow CDC and State Guidance Documents even during the summer as you are planning for ESY and reopening.● Plan for possible challenges with health and welfare in the long term.● Focus on mental health for your staff and for students - what are you doing to keep balance?	<ul style="list-style-type: none">● Bring populations of vulnerable children together because it's easier or because it's tradition.● Turn to your special education lawyer for answers as to when students should be brought back on school campuses.

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Four Priorities for Special Education:

2 Provide FAPE - Deliver services to as many students as you reasonably can in the best way you know how.

Do	Don't
<ul style="list-style-type: none">• Continue to provide as many services as possible through remote learning as you can.• Provide Extended School Year services as you typically would have (just provide them virtually)• Make services and supports individualized for students with disabilities.	<ul style="list-style-type: none">• Ask parents to sign “FAPE waivers.”• Decide you’ll just handle things through “comp. ed” when schools reopen.• Stop reaching out to families, even if they have disengaged with you.• Stop reaching out to general ed. folks.

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Four Priorities for Special Education:

3

Document your efforts; make sure documentation is focused, consistent, detailed and demonstrates a good faith effort to provide good services.



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Do	Don't
<ul style="list-style-type: none">• Assist your teams with staying organized with all of the “paper” and virtual records.• Organize yourself and your team over the summer for what the Fall will look like (i.e., evaluations, meetings, etc.)	<ul style="list-style-type: none">• Force yourself to rely on memory during this emotional and challenging time.• Count on others to be organized or to have a good plan of organization.• Plan to organize yourself “later” when things are back to “normal.”

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Do	Don't
<ul style="list-style-type: none">• Comply with meeting notification requirements in the best way you know how.• Attempt to meet timelines as best as possible.• Follow through with state guidance documents.	<ul style="list-style-type: none">• Count on any flexibilities coming from Congress.

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Compensatory Education

A Legal Analysis:

FAPE is required during the Pandemic

- Compensatory Education is a legal remedy if a district does not provide FAPE
- Ask these questions:
 - What is FAPE under the circumstances?
 - Has the district documented and offered FAPE during the pandemic?



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