

Special Education Services in Massachusetts during COVID-19 Questions and Answers 4/3/20

Q: During the time that schools are closed, are school districts required to provide special education services to students with disabilities?

The federal and state education departments have both issued guidance clarifying that districts must provide as many IEP services as possible during the COVID 19 crisis, while protecting the health and safety of families and teachers. The U.S. Department of Education (DOE) released [federal guidance](#) stating that during this national emergency, “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.” The Massachusetts Department of Elementary and Secondary Education (DESE) released [revised state guidance](#) underscoring that school districts must make every effort to provide special education instruction and services, to the extent feasible.

Q: What types of services do school districts need to provide?

Unfortunately schools may not be able to provide all of the services on students’ IEPs in the manner they are typically provided. However, the provision of FAPE should include, as appropriate, special education and related services provided remotely. Schools must provide both of the following types of services:

1. Resources and supports (such as strategies, assignments, projects and packets); and
2. Instruction and Services (such as virtual, online, or telephonic instruction). These remote services can include instruction with full class lessons, small group instruction, parent consultation sessions, counseling sessions, or individual (1:1) teaching, and also include related services such as occupational therapy, speech therapy, or ABA.

School districts are required to provide English learners with disabilities services and supports to address both their special education needs and needs as English learners. For more information, see [DESE’s Guidance on English Learners](#).

Districts are required to provide remote learning opportunities to the general student population. See [DESE’s Letter to Families about Remote Learning](#). Any educational opportunities offered to the general student population, including enrichment activities and resources, must be made accessible to students with disabilities.

Q: Are school districts required to provide *all* services on a student’s IEP?

During this national emergency, unfortunately students will not receive all of the services and instruction on their IEPs in the manner they are typically provided. The determination of *how* special education services are to

be provided may need to be different in this unprecedented time. School districts should make every effort to use creative strategies to provide special education services, recognizing that schools are closed, and many educators are unable to work full time as they care for their own children and loved ones who are also home-bound because of COVID 19. Ongoing communication between families and members of the IEP Team will be very important to help prioritize a child's learning needs during this crisis.

Q: How often should a district communicate with parents/guardians while schools are closed?

An IEP Team member (e.g., classroom teacher, special ed teacher or other service provider) must conduct regular, ongoing check-ins with parents during the period of school closure. The exact frequency and type of communication will vary depending on the child's individual needs. This ongoing communication will help educators and parents develop a plan for students to receive as much individualized instruction and related services as is feasible through distance learning or other remote learning opportunities. School districts are required to use interpreters and translators as necessary to communicate with parents whose first language is not English.

Q: How will parents be notified about the remote services the district plans to provide for their child?

The state has encouraged school districts to provide parents with a **remote learning plan**, that will describe the instruction and services proposed for the student. The state emphasized that services should not be delayed while the district develops its capacity to provide parents with a remote learning plan. Districts can use the "N1" parent notification forms to inform parents about provision of remote services for their child. The student's remote services will be addressing the student's current IEP goals and services, to the extent possible with the currently health and safety restrictions. [Click here to see examples of remote learning plans provided by the state.](#)

Q: Who should parents/guardians contact to obtain services for their children?

Parents should reach out to their child's teacher, the IEP team facilitator (ETF), principal, or any IEP team member whom the parent knows to ask about how to access instruction and services for their child. It is very important that schools hear directly from parents, so that the IEP Team knows the major challenges that the child is facing while schools are closed. Parents should let the school know areas of concern they may have, such as behavioral difficulties, anxiety, reading, communication skills, and/or social-emotional difficulties. Communication with parents is essential to help ensure that the school can tailor special education services as much as possible to address a child's unique learning needs while schools are closed.

Parents can use this [sample email](#) to contact the school.

Q. Are districts required to hold virtual IEP Team Meetings?

During the period of school closure, if an IEP Team needs to meet, schools should hold Team Meetings telephonically or virtually using technologies such as Zoom. Continuing to hold Team Meetings now may reduce the number of meetings that will need to be convened when schools re-open. The state has suggested that districts may want to prioritize IEP meetings for students who will be transitioning to a new program or

level of schooling. School districts must consider whether all IEP team members, particularly parents, have access to necessary technology and accommodations to allow effective remote participation. Districts should ensure that interpreters are provided during telephonic or virtual Team Meetings when the parent’s primary language is not English.

Q: Are districts required to meet special education evaluation timelines during this time?

Districts are encouraged to work creatively to meet the 30-day timeline for conducting evaluations and the 45-day timeline to develop an IEP after receipt of a parent’s written consent. Districts and parents may reach mutually agreeable extensions of timelines, with the understanding that there may be some evaluations that may not be possible to complete with school closure or in remote fashion. More guidance on timelines is expected soon.

Q. Do school districts need to obtain parent/guardian consent in order to deliver IEP services to students remotely?

Parent/guardian *consent* is not required for school districts to deliver services remotely, because the current (most recent) IEP is still in effect during the school closure. However, districts must provide *notice* to families of IEP services temporarily provided remotely while schools are closed. The provision of services remotely does not impact “stay put” rights. Parents should be notified about remote delivery of services.

Q. Are there privacy considerations with virtual learning?

School districts must inform parents of privacy-related issues with virtual learning options, and provide disclaimers at the beginning of online lessons regarding appropriate online communication. Districts should advise parents against recording or sharing of online or telephonic instruction. Teachers may record their own lessons to share with students.

Q: Will school districts be required to provide students with compensatory services?

School districts are being advised to provide as many services as possible *now* to reduce the need to provide compensatory services in the future.

Once school resumes, the IEP Team must convene to review how the closure impacted the delivery of special education and related services to individual students to make an individualized determination as to what additional, supplemental, or compensatory services may be necessary, and to ensure the student receives the services they need prospectively.

It may be helpful for parents to keep track of which services their children are receiving and how their children are doing so that they can inform the IEP team what services they think their child needs when schools resume. However, it is equally important for parents to communicate with the IEP team now about how their children are doing in order to meet as many priority needs as possible while schools remain closed.

Additional federal and state guidance on compensatory services is anticipated.

Q: Are public and private approved day or residential schools required to comply with the Governor's closure order?

Private approved special education residential schools are not included in the [Governor's closure orders](#). Private special education day schools have closed, and school districts must provide FAPE consistent with the need to protect the health and safety of students and educators. It will also be important for school districts to coordinate with state human service agencies (DDS, DMH, MassHealth, etc.) to ensure the safety and well-being of these students, working together to provide required services.

Q: What should families do if they have difficulty accessing services and support?

Parents who are encountering barriers to accessing services and support for their child during this period of school closure may contact Massachusetts Advocates for Children Helpline at 617-357-8431 ext. 3224.

If parents or advocates have concerns, they can also contact the Massachusetts education department at COVID19K12ParentInfo@mass.gov or (781) 338-3700.

MAC is here for you.

**If you are having trouble getting enough support for your child,
call MAC's Helpline at 617-357-8431 ext. 3224.**