

COVID-19 School Closure Q&A: *State Guidance on Special Education and Fall Reopening 2020*

Overview

Parents of children with disabilities have many questions and concerns about plans for fall re-opening of schools. The state has issued guidance which provides important information for parents to know. Some of the main points are:

1. By August 14, 2020, school districts must submit a plan to the state describing how the district will re-open schools.
 - Schools are supposed to plan for as many students as possible to return to in-person learning, either full-time or with a combination of in-person and remote learning, called a “hybrid.”
 - Districts are supposed to have a plan for remote learning in case the Governor has to close schools again in the future because of COVID-19.
2. The health and safety of students and teachers continues to be the main focus.
3. Schools must provide **all services documented in a student’s IEP**, while protecting the health and safety of students and teachers.
4. Students with disabilities who are preschool aged and those with “significant and complex needs” should be prioritized for full-time in-person instruction in the Fall.

IEP Service Delivery

Do schools have to provide all services on my child’s IEP?

- Yes. Schools must provide all services on your child’s IEP in the fall, both with in-person or remote learning. The way services are delivered might look different due to the current pandemic.

Do schools have to provide all IEP services in-person?

- No. Schools must provide in-person services to as many students as possible. For many students, IEP services will be provided through a combination of in-person instruction and remote instruction. Some districts may decide it is not yet safe to provide in-person services and provide only remote instruction for the start of the year.

- For students receiving remote instruction, schools are encouraged to still provide one-to-one in-person services, for example ABA therapy, in the school building, home, or community if it is safe to do so.

If schools can provide in-person services to only some students, who gets priority?

- Preschool-aged students with disabilities.
- Students who are identified as “high needs” on their IEP, for example requiring specialized instruction and related services provided at least ¾ of the day. [Click here to see the form used to figure out if your child is “high needs.”](#)
- Students who cannot engage in remote learning because of disability-related needs.
- Students who use Augmentative and Alternative Communication (AAC).
- Students experiencing homelessness or in foster care.
- Students with disabilities who are also English Learners.

If in-person service delivery is not possible, how will schools deliver services remotely?

- If schools cannot provide instruction and services in-person, schools must provide all of your child’s IEP services remotely. Schools can provide services through a combination of structured learning time, pre-recorded videos or in real-time, using video-conferencing and telephone.
- Sending home packets and assignments is not adequate IEP service delivery. Schools must establish a regular schedule and begin providing all instruction and services on a student’s IEP within 2 weeks of the start of the school year.
- For students who receive special education instruction for the majority of their school day, in addition to virtual lessons, teachers and therapists should assign work that students can complete on their own with support from the teacher or therapist.

How will I know my child’s schedule for classes and services?

- Schools must give students and parents a regular consistent schedule of classes and services. These can include real-time lessons or pre-recorded videos of lessons.
- This schedule must also include the amount of time the student works directly with teachers and service providers as well as time interacting with other students.
- Schools must provide a schedule for regular ongoing, two-way communication with parents.

Can I decide not to send my child to school in-person because I am worried about my child being exposed to COVID-19?

- Yes. Parents do not have to send their child to school if they believe it is unsafe. Parents may choose for their child to continue to receive remote instruction full-time, even if the school is providing in-person instruction.
- If a parent chooses remote instruction, the school must still provide all IEP services remotely.

What happens if my child’s school needs to deliver services differently than what is described on the IEP?

- Schools can deliver services differently than what is described on the IEP to meet COVID-19 safety requirements, as long as they provide all services on the IEP.
- A teacher or IEP Team member should first reach out to you to talk about what kind of service delivery would work best for your child.
- The school must notify you about any changes to service delivery, and describe all changes to how, where, and when the services will be delivered.
- Once the school has notified you in writing, the school does not need your consent to begin the new method of service delivery.

If my child’s school delivers services differently due to COVID-related safety measures, will this impact my child’s IEP and “stay put” rights?

- No. A change in service delivery will not result in a change in placement. The services as described on the IEP will remain and be considered “stay-put.”

Is my child’s school required to schedule Team meetings, evaluations, and reevaluations?

- Yes. All state and special education laws, including the required timelines for evaluations, reevaluations, and Team meetings, remain in place during the pandemic. Schools may work collaboratively with parents to make decisions together about extending timelines, but districts should be providing evaluations either in-person or remotely. [More information can be found here.](#)

Will I be able to provide input about how my child has been doing during school closure, to help the school decide what kinds of services and support my child needs this fall?

- Yes. IEP teams must consider information from parents about their child’s experiences during the school closure, including information about any difficulties they had with remote learning and any new needs or disabilities they may have since schools have been closed due to COVID-19. [Click here to access MAC’s online tool for tracking your child’s services and progress.](#)

School-Parent Communication

What kind of communication should I expect from my child’s school this fall?

- Classroom teachers, special education teachers, and service providers should have frequent, two-way communication with you. Schools should ask for your input and plan jointly with you about putting in place services that meet your child’s needs during this time.
- Schools can communicate through telephone calls, office hours, email, or other types of communication, depending on your preferences. The school should provide you a written schedule of when you can plan to talk with the school.

Is my child's school required to communicate with me in my primary language?

- Yes. Schools must provide interpreter and translation services. Interpreters must be present at IEP meetings and any other meetings, and must be fluent in your primary language and familiar with special education terminology.
- Schools must provide translations of everything that is sent to you, for example all district-wide notices, and also individual special education documents, learning plans, IEPs, and progress reports.

Transition Services for Youth Age 14 and older

The transition services on my child's IEP include participation in community-based programs, or inclusive concurrent enrollment college programs. Will my child be able to participate in these programs in the fall?

- In-person community-based programs may be limited during the pandemic. Inclusive concurrent college programs are continuing whether remotely or in-person. Schools must implement all IEP transition services, whether remotely or in-person, although it will be difficult when students cannot learn in the community.
- In-person community-based transition services must begin again as soon as it is safe to do so.

Monitoring Student Progress

How will schools monitor my child's progress?

- Schools must issue Progress Reports to students with disabilities at least as often as they issue report cards or progress reports for nondisabled students.
- Schools are required to send Progress Reports to families, guardians, and state agencies involved with the child.

What information will schools use for progress reports if learning is remote?

- Teachers and service providers should work with you and your child to review your child's IEP and talk about the kinds of information you can provide about your child's progress, based on your observations of your child's progress while learning remotely from home.

Remote Learning

If my child does not have access to a computer, internet, or other necessary technology at home, will the school provide what is needed so that my child can access remote learning?

- School districts should provide devices and internet, as well as parent training, if these are needed for your child to access remote learning.
- Parent training can include how to use technological devices and information about supporting your child's social and emotional needs.
- Training must be made available in your primary language.

Planning for Going Back to School during COVID-19

My child experiences difficulty with changes in routine. How will the school help support the change to in-person learning?

- Schools should reach out to you to ask how your child is doing emotionally and behaviorally, and work closely with you to help your child transition back to school and learn new social distancing rules.
- Before school starts, schools should develop resources to prepare students. For example, schools are encouraged to develop social stories, create video introductions from teachers or recorded tours of new buildings, and let students ride new bus routes or visit new buildings if it is safe to do so.

Does my child need to wear a mask?

- Students who are in the 2nd grade and above must wear masks, but schools should make exceptions for students who cannot wear masks as frequently, or at all, for reasons related to their disability.
- Schools should use clear masks to interact with deaf and hard of hearing students who need to read lips. Clear masks may also be needed for students with autism and other disabilities in order to meet their communication needs.

Can a school take disciplinary action if my child has trouble complying with mask, physical distancing, or other safety requirements, or exhibits other behavioral challenges?

- Schools should not discipline your child if they are unable to wear a mask or comply with other safety rules because of their disability.
- If your child is not following health and safety rules, schools may only use disciplinary action as a last resort.
- Schools should teach strategies to help students adjust to in-person school, and develop supportive strategies for addressing students' behaviors and anxieties about the pandemic and new routines.
- Schools should address concerning behavior with restorative practices and other strategies instead of punishments.
- Schools are encouraged to provide additional de-escalation training and training on trauma-sensitive practices to help staff support positive behavior.

My child receives some or all of their special education services with nondisabled peers in the general education classroom. What can I expect?

- This is an important part of the IEP that needs to be implemented. Schools should make every effort to continue to provide inclusive opportunities for students, while maintaining health and safety.
- Here are some ways schools can continue to provide services in the general education setting:
 - Assign fewer students to a single general education classroom so that special educators can come into the classroom safely.
 - Deliver some “push-in services” remotely by videoconferencing within the school building, with the student based in the general education classroom and supported by a paraprofessional.
 - Develop inclusive peer groups that connect through technology while maintaining physical distancing.
 - If schools use spaces other than classrooms for instruction to allow for social distancing, consider the needs of students with disabilities (for example, students with allergies or light sensitivity might not be able to participate in classes outdoors).

My child has a high-risk medical condition. How will schools support my child when schools re-open?

- DESE encourages parents of students with high risk medical conditions to talk to their child’s healthcare provider about what the child needs to return to school safely.
- Even if schools are offering in-person instruction, parents can choose for their child to continue to receive all of their IEP services through remote instruction.

Will my child be able to use a nebulizer in school?

- School health professionals should work with primary healthcare providers and parents to figure out alternatives to in-school nebulizer treatments.

My child needs hands-on or close 1:1 support. How will schools ensure safety?

- Schools must provide staff members who may have close 1:1 contact with students with appropriate protective equipment, and train staff members to use it according to CDC guidance.
- Schools must consult with families to make sure that they protect the health and safety of each child.

Preschool children with disabilities

Will my preschool child receive in-person instruction in the Fall?

- Students with disabilities who are preschool aged should be prioritized for full-time in-person instruction in the Fall.
- Parents may choose for their child to continue to receive remote instruction full-time, if they believe it is unsafe to send their child to school.

My child was receiving Early Intervention (EI) Services, but turned 3 after schools closed in March. Is my child still eligible for EI services? For how long can my child continue to receive EI services?

- If your child turned 3 between March 15, 2020 and August 31, 2020, they can continue receiving Early Intervention (EI) services until October 15, 2020 or until your district is able to determine their special education eligibility, whichever is first.

How will IEP services be delivered in childcare or Head Start program settings?

- Childcare and Head Start program staff should set aside space for your child to receive IEP services remotely, to reduce the number of outside adult visitors in the program.

Are districts required to provide inclusive preschool programming this fall?

- Districts and schools should continue to plan for inclusive preschool programs.
- After October 1, 2020, districts will be able to seek a time-limited waiver of the requirement to provide inclusive preschool programming. Districts will need to provide documentation of their attempts to provide inclusive preschool programs.

How should schools support physical distancing for preschool students?

- Masks for preschool students are not required.
- Develop social stories to help children learn about social distancing rules.
- Use visual supports to provide instruction while helping children stay physically distanced.
- Create individual bins with activities for each student.
- Rearrange classroom space so that children can spread out.

How should schools provide remote instruction and services for preschool students, if in-person instruction is not safe?

- Provide activities that balance screen time and time away from the screen.
- Make sure learning is interactive, and includes activities that are familiar to students.
- Provide some services in-person in the home, if it is safe to do so.

**If you have more questions about your rights:
Contact MAC's Helpline: 617-357-8431
massadvocates.org/helpline**