

Wyoming Department of Education  
**Special Education COVID-19 Update**  
**August 2020**

The unprecedented COVID-19 situation means IEP teams are beginning the 2020-2021 school year with the task of re-identifying the individualized needs of each student with a disability. The sudden and unexpected shift to distance learning structures at the end of the 2019-2020 school year may have impacted some of the special education and related services provided to students with disabilities and, as a result, IEPs may need to be amended to ensure that students are able to access the general education curriculum and receive FAPE.

Schools need to convene IEP teams and collaborate with families and students to assess each student's individual needs, progress on annual goals and/or loss of skills, level of participation in remote learning, and ultimately determine if the student's IEPs should be amended to reflect appropriate changes to services and supports. New baselines may need to be established and additional educational supports may be needed to address any unfinished learning and ensure a successful start to the new school year. *Recovery services* is a term used to describe educational services offered to students as a result of missed or disrupted services during the COVID-19 school building closures. Due to the COVID-19 school closures and resulting need to adjust in-person instructional models, districts must determine whether and to what extent recovery services are necessary, in the event that the district was unable to provide appropriate IEP services during the school closure.

### **Important Considerations**

- **Continue to follow all IDEA requirements and processes.** IDEA requirements and timelines stand in full, despite the COVID-19 school closures. The United States Department of Education has not issued any waivers regarding the provision of FAPE.

- **Remember Child Find.** It is the district's obligation to find and identify all students who have a suspected disability and a need for specially designed instruction. The challenges of the COVID-19 may result in IDEA eligibility and the need for specialized instruction for some students who may not previously have needed an IEP.
- **Monitor student progress and maintain detailed documentation of services.** Continue to collect and review data about how students are progressing toward their annual goals. IEP teams must also review documentation that reflects the degree to which the student participated in remote learning during spring 2020 in order to determine whether recovery services are needed. Documentation of IEP services has always been important, but it is especially critical when instruction and services are being provided virtually, in order to confirm service delivery and the student's response to instruction.
- **Communicate with parents regularly.** Parents are a valuable source of information about how a student is progressing and/or struggling. Including parents in discussions and the design of Individualized Educational Programs (IEPs) is required by the IDEA. A phone call can go a long way toward ensuring that a parent feels included, and it may prevent minor frustrations from building into major conflicts.

As Wyoming looks ahead to the 2020-21 school year, and all the unknowns it may bring, it is important that educators focus on creating adaptable processes for assessing the needs of all students with disabilities, reviewing and revising each student's IEP, and developing contingency plans to ensure continued educational benefit and a seamless service delivery process, in the event of future instructional disruptions or school closures due to the COVID-19 public health emergency.

## Emergency Model Form I-4 Services

In order to streamline these processes and assist IEP teams in dealing with some of the unique challenges brought about by the pandemic, WDE is offering a modified emergency IEP services form for the 2020-21 school year for documentation of special education services, related services, and supplementary aids and services. As with all model forms offered by WDE, districts are welcome to use the emergency form, but are not required to do so.

This modified emergency form was developed to allow IEP teams to discuss potential service changes that may arise due to a pandemic-related change of educational setting. The emergency form allows for documentation of the team's decisions about in-person and virtual education services directly within each student's IEP, without requiring a separate contingency plan or IEP amendment.

While certain aspects of a student's special education, related services, or supplementary aids and services might need to be adjusted due to the practical differences between in-person and virtual education delivery techniques (i.e. frequency or duration of service), the student's educational needs, annual goals, and the service providers' expectations must not change. **There must be no negative impact on a student's receipt of educational benefit as a result of shifting from in-person to virtual education.**

Furthermore, it is important to note that this **emergency form may only be used** to plan for and document a potential change in the student's educational environment due to the COVID-19 public health emergency, and only **under one of the following conditions:**

1. The school goes into a Tier III response, and all in-person instruction moves to virtual education; or
2. Parent(s) choose to remove their child from in-person learning, in favor of virtual education; or

3. A child needs to be quarantined due to COVID-19 infection or exposure to an infected individual.

Prior Written Notice (PWN) must be issued any time there is a change in the student's educational environment. If a student with a disability moves from in-person instruction to virtual education or virtual education to in-person instruction, Prior Written Notice must be issued, and the start date of the service(s) must be noted on the appropriate IEP services page. Also, any discrepancy in the Frequency and/or Duration of a special education service or a related service between In-Person and Virtual Ed. or ESY and Virtual ESY must be explained in Prior Written Notice (PWN).

**NOTE: The terms *Virtual Ed.* and *Virtual ESY*, referenced on the emergency model form I-4 services, includes *all* WDE-defined distance learning service delivery methods, including *Remote Education, Classroom-based Virtual Education, and Virtual Education*. For more information about WDE-defined distance learning delivery methods, refer to Attachment A: *Wyoming Distance Learning/IDEA Implications At-a-Glance, Aug. 2020*. [2020-21 Distance Learning: Guidance for Wyoming School Districts](#)**

The Emergency Model Form I-4 Services may be found at <https://edu.wyoming.gov/in-the-classroom/special-programs/> under **COVID-19 Information**. WDE has consulted with SPED Advantage on the need for this emergency form, and it is estimated that the additional *Virtual Education* and *Virtual ESY* fields will be incorporated into the Sped Advantage system by Friday, August 28.

If you have any questions about serving students with disabilities in the midst of the COVID-19 pandemic, please contact:

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# Wyoming Distance Learning/IDEA Implications At-a-Glance

Remote Education	Classroom based Virtual Education	Virtual Education
<p>Remote education means <i>classes delivered by a teacher located in a physical classroom with students present</i> while also providing simultaneous remote instruction.</p> <p>Remote education instruction is delivered through interactive, synchronous technology which allows the student receiving the remote education to ask questions, make comments, and interact in real-time with the teacher, classroom students, and other remote students.</p>	<p>Classroom-based virtual education means classes intended for classroom instruction that may also be instructed through technology outside the physical classroom. The virtual education instruction may be synchronous or asynchronous and <i>delivery must be available to any student eligible to be enrolled in the class</i>, including those who may not have Internet access and those who may only attend through virtual education.</p> <p>In-person, classroom instruction is used in conjunction with virtual education instruction for a portion of students off-site or school days when all students are off-site. Both types of instruction must be available for the full scope and sequence of the course throughout the school year and in-person instruction, virtual education instruction, or both are delivered depending on need.</p>	<p>Virtual education means <i>school district programs and classes</i> approved by the agency pursuant to W.S. §21-2-202(a)(xxxi), W.S. §21-13-330(f-k), and the Chapter 41 Virtual Education Rules for delivery when the teacher and student are in separate locations. Virtual education instruction is primarily delivered through technology and can be asynchronous, synchronous, or a combination of both.</p> <p>Virtual education classes are designed exclusively for distance delivery and include a teacher who instructs students and interacts with them through the technology in the course platform.</p>
School Status	School Status	School Status
<p><b>Remote education cannot be used during school closures.</b> The school where the remote teacher is located must be open for the teacher and at least a portion of students assigned to the remote student's class to be in a physical classroom during synchronous delivery.</p>	<p><b>Classroom-based Virtual Education may be used when schools are open, partially closed, or entirely closed</b> with or without a state or public health closure order.</p>	<p><b>Virtual education may be used when schools are open or when schools are closed</b> for any reason.</p>
Student Residency Requirements	Student Residency Requirements	Student Residency Requirements
<p>Student must reside in the district and have primary enrollment in the school providing the instruction.</p>	<p>Student must reside in the district and have primary enrollment in the school providing the instruction.</p>	<p>Student must reside in the district.</p>
Examples of Use	Examples of Use	Examples of Use
<ul style="list-style-type: none"> <li>Course delivery to students who do not want to enter campus when school is open but do not meet homebound instruction requirements pursuant to W.S. §21-4-402.</li> <li>Course delivery to students who may need to quarantine, but the student's teacher and classmates are still in the classroom.</li> <li>Course delivery to students off-site during an alternating on/off-campus schedule, providing the schedule includes teachers on-campus with students in their classrooms each day of the school week.</li> </ul>	<ul style="list-style-type: none"> <li>Course delivery to students who do not want to enter campus when school is open, but do not meet homebound instruction requirements pursuant to W.S. §21-4-402.</li> <li>Continued instructional delivery when students, teachers, and/or full classrooms, grade levels, etc., need to stay home on quarantine.</li> <li>Continued instructional delivery to students off-site during an alternating on/off-campus schedule, including half or full instructional days when the school is closed for cleaning, or other reasons not related to a closure order.</li> </ul>	<ul style="list-style-type: none"> <li>Course delivery to students who do not want to be on campus when school is open but they do not meet homebound instruction requirements pursuant to W.S. §21-4-402.</li> <li>Course delivery by a teacher who cannot or does not want to be on campus when school is open.</li> <li>Course delivery to students who need part-time, supplemental courses not offered by the district.</li> </ul>

Resident IEP student Enrolled in...	IDEA Implications for Resident District
Resident district school programs/classes Resident district distance learning programs Resident district Homebound	Student is entitled to all provisions of IDEA. The <b>resident school district</b> shall ensure free appropriate public education (FAPE) is provided in the least restrictive environment (LRE) and procedural safeguards are implemented, regardless of the educational environment.
Private Schools Homeschools	FAPE does not apply to children enrolled by their parents in Homeschools or Private Schools. Limited procedural safeguards of IDEA may apply to Child Find and evaluation activities.
Out-of-District Virtual Schools <ul style="list-style-type: none"> <li>Wyoming Virtual Academy (Niobrara 1)</li> <li>Cowboy State Virtual Academy (Sheridan 1)</li> <li>Wyoming Connections Academy (Big Horn 1)</li> </ul>	Student is entitled to all provisions of IDEA. The <b>school district or public agency responsible for oversight of the virtual school program</b> shall ensure FAPE is provided in the least restrictive environment (LRE) and procedural safeguards are implemented.