



WDE SPECIAL EDUCATION PROGRAMS DIVISION

Guidelines for Providing Special Education and Related Services during the COVID-19 Pandemic

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# Wyoming COVID-19 State and Federal Guidance

March 12, 2020, Council of Administrators of Special Education (CASE),  
***Considerations for Special Education Administrators***

<https://1ddlxtt2jowkvs672myo6z14-wpengine.netdna-ssl.com/wp-content/uploads/2020/03/COVID-19-Considerations-for-CASE-Members.pdf>

March 12, 2020, U.S. Department of Education, Student Privacy Policy Office,  
***FERPA & Coronavirus Disease 2019 (COVID-19) Frequently Asked Questions (FAQs)***

*The purpose of this guidance is to answer questions that school officials may have concerning the disclosure of personally identifiable information from students' education records to outside entities when addressing the coronavirus disease 2019 (COVID-19).*

[https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/ferpa%20and%20coronavirus%20frequently%20asked%20questions.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/ferpa%20and%20coronavirus%20frequently%20asked%20questions.pdf)

March 12, 2020, Office of Special Education & Rehabilitative Services (OSERS),  
***Questions and Answers on Providing Services to Children with Disabilities during the Coronavirus Outbreak***

*This Q&A document outlines states' responsibilities to infants, toddlers, and children with disabilities and their families, and to the staff serving these children.*

<https://www2.ed.gov/policy/speced/guid/idea/memosdcitrs/qa-covid-19-03-12-2020.pdf>

March 15, 2020, ***Governor Gordon and State Superintendent Jillian Balow issue recommendation on Wyoming school closures***

<https://edu.wyoming.gov/blog/2020/03/15/governor-gordon-and-state-superintendent-jillian-balow-issue-a-recommendation-on-school-closures/>

March 16, 2020, Office of Civil Rights, ***Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students***

<https://www2.ed.gov/about/offices/list/ocr/docs/ocr-coronavirus-fact-sheet.pdf>

**March 17, 2020 *OCR Short Webinar on Online Education and Website Accessibility***

<https://www.youtube.com/watch?v=DCMLk4cES6A>

**March 19, 2020, *Governor and State Health Officer Orders Wyoming School Closures Until April 3, 2020.***

<https://content.govdelivery.com/accounts/WYGOV/bulletins/28229f4>

**March 21, 2020, Office of Civil Rights (OCR)/Office of Special Education & Rehabilitation Services (OSERS),  
*Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities***

*U.S. Secretary of Education Betsy DeVos announced in a press release that the Department has released new information clarifying that federal law should not be used to prevent schools from offering distance learning opportunities to all students, including students with disabilities. This new resource from the Office for Civil Rights (OCR) and the Office of Special Education and Rehabilitative Services (OSERS) explains that as a school district takes necessary steps to address the health, safety, and well-being of all its students and staff, educators can use distance learning opportunities to serve all students.*

<https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf>

**March 27, 2020, *COVID-19: Guidance for Educational Institutions from the Wyoming Department of Health***

[https://health.wyo.gov/wp-content/uploads/2020/03/COVID19\\_WDH-Guidance-for-Educational-Institutions\\_3.27.20.pdf](https://health.wyo.gov/wp-content/uploads/2020/03/COVID19_WDH-Guidance-for-Educational-Institutions_3.27.20.pdf)

**April 3, 2020, *Wyoming State Health Officer Issues Public Health Order Extending Closure of K-12 Schools until April 30, 2020***

<https://content.govdelivery.com/accounts/WYGOV/bulletins/284a9bc>

**April 24, 2020, U.S. Department of Education, OSERS/OSEP, *Topic Brief: Public Participation – IDEA Part B***

<https://www.ed.gov/news/press-releases/secretary-devos-reiterates-learning-must-continue-all-students-declines-seek-congressional-waivers-fape-lre-requirements-idea>

**April 27, 2020, U.S. Department of Education, *Report to Congress of U.S. Secretary of Education Betsy DeVos: Recommended Waiver Authority Under Section 3511(d)(4) of Division A of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).***

<https://www2.ed.gov/documents/coronavirus/cares-waiver-report.pdf>

**April 27, 2020, U.S. Department of Education, *Secretary DeVos Reiterates Learning Must Continue for all Students, Declines to Seek Congressional Waivers to FAPE, LRE Requirements of IDEA***

<https://www.ed.gov/news/press-releases/secretary-devos-reiterates-learning-must-continue-all-students-declines-seek-congressional-waivers-fape-lre-requirements-idea>

**April 28, 2020, Wyoming Department of Health, *Third Continuation, and Modification, of Statewide Public Health Order Closing Bars, Restaurants, Theaters, Gymnasiums, Child Care Facilities, K-12 Schools, Colleges, Universities, and Trade Schools Statewide***

[https://health.wyo.gov/wp-content/uploads/2020/04/Third-Continuation\\_Order1.pdf](https://health.wyo.gov/wp-content/uploads/2020/04/Third-Continuation_Order1.pdf)

**June 22, 2020, *Part B Dispute Resolution in the COVID-19 Environment, Q&A Document*** <https://sites.ed.gov/idea/files/qa-dispute-resolution-procedures-part-b.pdf>

**June 25, 2020, *Use of Funds in the COVID-19 Environment, Q&A Document*** <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-part-b-use-of-funds-06-25-2020.pdf>

**June 26, 2020, *Flexibility on Implementation of IDEA Part B Fiscal Requirements in the COVID-19 Environment, Q&A Document***

<https://sites.ed.gov/idea/files/qa-fiscal-flexibilities-idea-part-b-06-26-2020.pdf>

**June 30, 2020, *IDEA Part B Procedural Safeguards in the COVID-19 Environment, Q&A Document***

<https://www2.ed.gov/policy/speced/guid/idea/memosdcitrs/qa-procedural-safeguards-idea-part-b-06-30-2020.pdf>

**June 22, 2020, *Part C Dispute Resolution in the COVID-19 Environment, Q&A Document*** <https://sites.ed.gov/idea/files/qa-dispute-resolution-procedures-part-c.pdf>

**June 25, 2020, *Part C Use of Funds in the COVID-19 Environment, Q&A Document*** <https://sites.ed.gov/idea/files/qa-part-c-use-of-funds-06-25-2020.pdf>

**June 30, 2020, *IDEA Part C Procedural Safeguards in the COVID-19 Environment, Q&A Document*** <https://sites.ed.gov/idea/files/qa-procedural-safeguards-idea-part-c-06-30-2020.pdf>

**July 6, 2020, *Part C Evaluation and Assessment Timelines in the COVID-19 Environment, Q&A Document*** <https://sites.ed.gov/idea/files/QA-Evaluation-Timeline-Part-C.pdf>

# Questions and Answers about Serving Students with Disabilities during COVID-19 Outbreak

## Free Appropriate Public Education

### **Does the COVID-19 outbreak relieve districts of their obligation to provide FAPE?**

No. The OCR/OSERS *Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities, March 21, 2020*, provided further guidance regarding FAPE: “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. In this unique and ever-changing environment, OCR and OSERS recognize that these exceptional circumstances may affect how all educational and related services and supports are provided, and the Department will offer flexibility where possible. However, school districts must remember that the provision of FAPE may include, as appropriate, special education and related services provided through distance instruction provided virtually, online, or telephonically.”

### **Will the CARES Act provide additional waiver authority for FAPE and LRE requirements?**

No. In the April 27, 2020 report to Congress, *Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136*, U.S. Department of Education Secretary Betsy DeVos did not recommend any additional waiver authority concerning FAPE and LRE requirements under the IDEA due to the COVID-19 national emergency. Secretary DeVos stated, “Schools do not need waivers for core IDEA requirements, such as providing students FAPE in the least restrictive environment. Instead, she urged schools to use creative and innovative ways to serve students with disabilities.

## Special Education and Related Services

### **Do schools still need to provide all special education and related services in the manner they are typically provided?**

No. The OCR/OSERS *Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities, March 21, 2020*, stated: “The Department understands that, during this national emergency, schools may not be able to provide all services in the same manner they are typically provided. While some schools might choose to safely, and in accordance with state law, provide certain IEP services to some students in-person, it may be unfeasible or unsafe for some institutions, during current emergency school closures, to provide hands-on physical therapy, occupational therapy, or tactile sign language educational services. Many disability-related modifications and services may be

effectively provided online. These may include, for instance, extensions of time for assignments, videos with accurate captioning or embedded sign language interpreting, accessible reading materials, and many speech or language services through video conferencing.”

“It is important to emphasize that federal disability law allows for flexibility in determining how to meet the individual needs of students with disabilities. The determination of how FAPE is to be provided may need to be different in this time of unprecedented national emergency. As mentioned above, FAPE may be provided consistent with the need to protect the health and safety of students with disabilities and those individuals providing special education and related services to students. Where, due to the global pandemic and resulting closures of schools, there has been an inevitable delay in providing services – or even making decisions about how to provide services - IEP teams (as noted in the March 12, 2020 *Questions and Answers on Providing Services to Children with Disabilities during the Coronavirus Outbreak* guidance) must make an individualized determination whether and to what extent compensatory services may be needed when schools resume normal operations.”

**Does sending print materials or utilizing an online platform meet the requirements of specially designed instruction, given that school districts are depending on parents for assistance in delivering the service?**

The determination as to whether specially designed instruction has been provided to each particular student during school closure or while limited school services have been provided, is an IEP team determination, which will be made once school is back in session. Data may need to be collected to help the IEP team determine whether compensatory education is appropriate.

## **IDEA Timelines**

**Can the WDE provide flexibility on timelines for annual reviews, reevaluations and initial eligibilities?**

No, the WDE does not have authority to waive IDEA timelines or requirements. On March 21, 2020 OCR/OSEP issued joint guidance through a *Supplemental Fact Sheet* on IDEA timelines but did not indicate that required timelines can be waived. The language below is quoted directly from fact sheet:

**Individualized Education Programs (IEPs)**

If a child has been found eligible to receive services under the IDEA, the IEP Team must meet and develop an initial IEP within 30 days of a determination that the child needs special education and related services. 34 C.F.R. § 300.323(c)(1). IEPs also must be reviewed annually. 34 C.F.R. §300.324(b)(1). However, parents and an IEP Team may agree to conduct IEP meetings through alternate means, including videoconferencing or conference telephone calls. 34 C.F.R. §300.328. Again, we encourage school teams and parents to work collaboratively and creatively to meet IEP timeline requirements. Most importantly, in making changes to a child’s IEP after the annual IEP Team meeting, because of the COVID-19 pandemic, the parent of a child

with a disability and the public agency may agree to not convene an IEP Team meeting for the purposes of making those changes, and instead develop a written document to amend or modify the child's current IEP. 34 C.F.R. §300.324(a)(4)(i).

### **Initial Eligibility Determination**

An initial evaluation must be conducted within 60 days of receiving parental consent under IDEA, or within the state established timeline within which the evaluation must be conducted. 34 C.F.R. § 300.301(c). Once the evaluation is completed, IDEA does not contain an explicit timeline for making the eligibility determination but does require that the IEP be developed in accordance with 34 C.F.R. §§ 300.320-300.324 (34 C.F.R. § 300.306(c)(2)).

### **Reevaluations**

A reevaluation of each child with a disability must be conducted at least every three years, unless the parents and the public agency agree that a reevaluation is unnecessary 34 C.F.R. § 300.303(b)(2). However, when appropriate, any reevaluation may be conducted through a review of existing evaluation data, and this review may occur without a meeting and without obtaining parental consent, unless it is determined that additional assessments are needed. 34 C.F.R. §300.305(a). OCR/OSERS A *Supplemental Fact Sheet Addressing the Risk of COVID-19, March 21, 2020.*

### **What if a multi-disciplinary team is in the middle of a reevaluation and school is closed?**

The March 16, 2020, Office of Civil Rights, *Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students* provided guidance on this issue. The guidance provides:

“IEP teams are not required to meet in person while schools are closed. If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student’s parent or legal guardian consents.”

### **Will the CARES Act provide school districts with any flexibility in dealing with IDEA evaluation timelines?**

In the report to Congress, *Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136*, Secretary of Education Betsy DeVos recommended extending the Part C to Part B evaluation timeline until face-to-face meetings can resume for evaluation purposes. This will allow young children with disabilities to remain in the Part C system after their third birthdays, until their Part B evaluations can be completed. All other IDEA evaluation timelines remain unchanged. The recommendations made by Secretary DeVos in the report must be formally approved by Congress and President Trump.

## Annual IEP Reviews

**If an annual IEP review is completed during the COVID-19 school closure, should the new IEP be based on how the service will be provided during the pandemic or how the service will be provided once school re-opens?**

The pandemic is temporary and does not drive the needs of each student. An IEP written through the annual review process must be based on the educational services necessary for that student to receive FAPE. 34 CFR §300.320.

**If an annual IEP review is due during the COVID-19 school closure, can districts wait to conduct the review when school re-opens?**

No. The school closure doesn't change the annual IEP review dates. Please review the IDEA Timelines discussion set forth in the *OCR/OSERS Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities, March 21, 2020*.

## IEP Amendments

**Do IEPs need to be amended to reflect changes in service delivery methods during the COVID-19 school closures?**

No. As long as the changes do not constitute a change in identification, evaluation, educational placement, or provision of FAPE to the student. However, if a student's IEP team determines that a change to the student's IEP services or placement is appropriate beyond the closure of schools that has been ordered by Governor Gordon and the Wyoming State Health Officer, the student's IEP may need to be amended. For example, if virtual learning becomes part of daily instruction for a student once school is back in session, the student's IEP team will need to determine how the services are constructed within the IEP, which may require amending the IEP.

**Do districts need to do an IEP amendment to change placement because students are transitioning from classroom instruction to home/virtual instruction?**

No. Moving to online instruction is part of school closure, OSEP is not requiring the need to amend IEPs; rather, it is an alternative mode of delivery. *Questions and Answers on Providing Services to Children with Disabilities during the Coronavirus Outbreak, March 12, 2020*.

**Do districts need to amend every IEP, accompanied by prior written notice? Is it recommended that an IEP Team Meeting be convened for every student? Under the circumstances, could the case manager call the parent to communicate changes in the child's IEP due to coronavirus, as long as all IEP Team members receive communication and the parent signs off on the amendment?**

The process for amending IEPs has not changed. An IEP may only be amended after an IEP meeting, or alternatively, if agreed upon by the parties, an amendment to modify a student's current IEP may occur without a meeting. Once the IEP has been amended,

prior written notice must be provided to the parent. *Questions and Answers on Providing Services to Children with Disabilities during the Coronavirus Outbreak, March 12, 2020.*

## Contingency Plans

### **Do districts need to amend all IEPs (and 504 plans) to include a contingency plan and make sure the location of services is changed to online?**

No, all IEPs do not need to be amended to include a contingency plan. The OSEP guidance provides that “IEP teams may, but are not required to, include distance learning plans in a child’s IEP that could be triggered and implemented during a selective closure due to a COVID-19 outbreak.” The guidance further states: “Creating a contingency plan before a COVID-19 outbreak occurs gives the child’s service providers and the child’s parents an opportunity to reach agreement as to what circumstances would trigger the use of the child’s distance learning plan and the services that would be provided during the dismissal.” *Questions and Answers on Providing Services to Children with Disabilities during the Coronavirus Outbreak, March 12, 2020.*

## Progress Monitoring

### **If WY-TOPP and WY-ALT are cancelled and general education students do not receive grades, are special education and related service providers obligated to collect data and complete progress monitoring on IEP goals?**

The IDEA requires periodic reports be provided to parents on the progress their child is making toward IEP goals and objectives. 34 CFR 300.320 (a)(3). To the extent feasible, staff must continue collecting data for progress monitoring purposes. The progress monitoring data will not only be utilized to provide parents with accurate progress reports, as identified in each student’s IEP, but will also provide important information if compensatory education is an issue.

## Prior Written Notice

### **Are districts required to provide Prior Written Notice to parents, in light of the COVID-19 school closures?**

Prior Written Notice is only required to be provided to parents whenever a district is proposing or refusing to initiate or change the identification, evaluation, educational placement, or provision of FAPE to a student, however, it is a useful tool for informing parents of the actions taken by schools regarding their child’s special education program during the COVID-19 school closures. 34 CFR §300.503.

The WDE recommends, as best practice, that districts provide parents individualized information on their child’s educational program through the use of Prior Written Notice. This recommendation is made for several reasons:

- Parents are familiar with the prior written notice form as a means to inform them of changes to their child’s educational program, and changes are being made.
- WDE does not know what future decisions may be made regarding what will be viewed as a change in placement or a change to FAPE due to COVID-19 school closures and providing services in an alternative fashion.
- OSEP stated that there may be exceptional circumstances that could affect how a particular service in a student’s IEP is provided, and once school resumes the IEP team “would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements.” *Questions and Answers on Providing Services to Children with Disabilities during the Coronavirus Outbreak, March 12, 2020*. Refusal to provide components of FAPE require that Prior Written Notice be provided to parents.
- Providing Prior Written Notice addresses the individualized educational services of a particular student and will assist the team in identifying what, if any, compensatory services may be needed.

## Compensatory Education

**Will IEP teams have to meet on every student once school is back in session to determine if there is a need for compensatory education? If schools are not back in session until fall 2020, do teams need to make a determination on compensatory education at that time, or do we just start the new school year?**

Compensatory education is generally defined as a remedy owed to children with a disability who have been denied, a Free Appropriate Public Education (FAPE). The determination as to whether compensatory education is appropriate, and if so, what it will be, must be made on an individualized basis by each student’s IEP team. Some of the scenarios that could come into play include:

- Schools remained open and students with IEPs received FAPE as identified on their IEPs. An IEP team meeting to discuss compensatory education is not required.
- Schools closed and some educational services were provided to all students. Students with IEPs continued to receive all the special education and related services identified in each student’s IEP. An IEP team meeting to discuss compensatory education is not required.
- Schools closed and some educational services were provided to all students. Students with IEPs received some, but not all, of the special education and related services identified in each student’s IEP. An IEP team meeting should be held to discuss the student’s progress, whether compensatory education is appropriate, and if so, what the compensatory education will be.
- Schools closed and no educational services were provided to students. An IEP team meeting should be held to discuss the student’s progress, whether compensatory education is appropriate, and if so, what the compensatory education will be.

Whenever school is back in session, whether it is spring or fall 2020, IEP teams should begin communicating with parents regarding convening IEP team meetings to discuss compensatory education. In the event a parent indicates they are not interested in compensatory education, prior written notice should be provided to the parent outlining the offer to meet and the parent’s decision on the matter. *Questions and Answers on Providing Services to Children with Disabilities during the Coronavirus Outbreak, March 12, 2020; OCR Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students, March 16, 2020.*

**If a student graduates or ages out (turns 21) this semester, during the time of school closure or alternate service delivery, is the IEP team obligated to meet once school resumes to consider compensatory education for that student, even though the student may no longer be attending school?**

Yes. Remember, the purpose of compensatory education is to provide an appropriate remedy designed to deliver services to a student that should have been received to provide FAPE and will vary on a case-by-case basis. *Parents of Student W v. Puyallup School District, 21 IDELR 723 (9th Cir. 1994).*

## **Extended School Year (ESY) vs. Compensatory Education**

**Is compensatory education the same as Extended School Year (ESY) services?**

No, compensatory education is very different from ESY services.

### Extended School Year (ESY)

The goal of ESY services is to assist students with disabilities with the emergence and maintenance of specific IEP goals addressed during the school year. ESY services must be considered in light of the totality of the circumstances. Decisions regarding ESY services must be based on student performance data and written documentation, and the services must be clearly described in a student’s IEP.

### Compensatory Education

Compensatory education is defined as *an appropriate equitable remedy designed to deliver services to a student that should have been received to provide a free appropriate public education (FAPE)*. The particular form of compensatory education will vary on a case-by-case basis. “There is no obligation to provide a day-for-day compensation for time missed. Appropriate relief is relief designed to ensure that the student is appropriately educated within the meaning of the IDEA.” *Parents of Student W v. Puyallup School District, 21 IDELR 723 (9th Cir. 1994).*

It is important to understand that compensatory education must not take away from or replace existing special education services. In determining appropriate compensatory education due to school closure, the IEP team must review a student’s IEP, determine what educational services the student didn’t receive due to school closure, and determine the educational services (compensatory education) needed to ensure the student receives FAPE.

Once the compensatory education for a particular student is identified, a plan should be discussed and developed identifying how the educational services will be provided. Various discussions may include: Is there existing free time during the school day to provide the services? Should the school day be lengthened? Should the school week be lengthened? Should the school year be lengthened, going into summer? Should the compensatory education be provided during the next school year, and if so, how?

Make sure prior written notice is provided to the parent in a timely fashion, setting forth the IEP team's determination regarding compensatory education, and if possible, include the plan developed to provide the compensatory education.

# Resources

## Addressing Instructional Needs of Students with Disabilities during COVID-19 School Closure

As school systems work rapidly to accommodate the remote learning needs of students with disabilities during the coronavirus outbreak, many educators are using creative and innovative methods and strategies to deliver general education and specialized instruction, and provide outreach to students and their families. Here are a few examples:

### Examples of Creative and Innovative Instructional Strategies:

- Instructional work packets
- Virtual field trips
- Adapted literature
- Instructional telephone calls or videoconferencing with students
- Teacher-created videos to reinforce skills
- Individual and small group breakouts

### Strategies for Delivering Virtual Instructional Support

- Establish regular check-in calls, based on intensity of need(s)
- Provide access to online intervention programs for core subjects, with clear directions
- Ensure daily reading through access to online books
- Provide weekly work packets or comprehensive workbooks
- Provide direct instruction using online meeting/video/phone platforms
- Continue to monitor and document progress toward goals.

### General Recommendations

- Check in with parents frequently and regularly.
- Document the provision of specialized instruction and related services.
- Focus on the unique needs of the student and his/her family (i.e., working families, foster families, single parents, technology limitations, etc.).
- Collaborate with families to develop distance learning plans to support IEP implementation and
  - are feasible, in light of current circumstances
  - maintain and build essential skills
  - maximize computer-based learning options, if available and appropriate

### Resources for Supporting Remote Instruction and Delivery of IEP Services

- National Center on Improving Literacy, <https://improvingliteracy.org/>
- Resources for virtual instruction <https://padlet.com/wested/educate>
- National Center on Intensive Intervention (NCII), [www.intensiveintervention.org](http://www.intensiveintervention.org)
  - Brief literacy and math lesson plans and videos <https://intensiveintervention.org/implementation-support/course-content>

- Collections of free educational technology
- Best practices for remote/online learning
- Tools for making online learning videos
- Virtual field trips and live streaming offerings

### **Online Intervention Materials**

- [NCII Academic Tools Chart](#)
- [What Works Clearinghouse](#)

## **Addressing Special Education and Related Services Delivery during COVID-19 School Closure**

IEP teams may, but are not required to, provide online or virtual instruction. Other service delivery methods include, but are not limited to, instructional telephone calls, paper/pencil packets or workbooks, other curriculum-based instructional activities. IEP teams may identify which special education and related services, if any, might be provided in an alternate location, including the child's home. Instructors and related service providers should consider the following service options and IDEA requirements when designing distance learning plans for their students with disabilities:

### **Special education and related service options**

- **Online or virtual specialized instruction or related service** - Direct instruction or related services may be delivered via a videoconferencing platform (i.e. Zoom, Google Hangout, Skype, etc.). Supplemental coursework might include streaming media, such as YouTube or Netflix, web-based resources, teacher-created videos, apps, computer-based programs, and/or other online resources. Instructors and related service providers communicate via email, instant messaging, social media, web page hub, etc. with individual students, small groups, or parents
- **Paper/pencil and telephone** – Direct services and supports may be delivered via telephone, with work packets mailed or hand delivered to the student.
- **Combination online services and paper/pencil assignments**
- **Remote health care platforms** - Electronic health information and telecommunications technologies (i.e. Telehealth, Simple Practice, Doxy.me, Vsee, etc.) support remote clinical health care services and professional health-related education.
- **Individual or small group in-person sessions** - Subject to the Center for Disease Control (CDC) directives for social distancing/imposed quarantine, district policy, and parental consent, in-home services or in-person sessions may be another service option for some students and providers.

## Other considerations

- **Communication with families** is a fundamental part of the IEP process. School districts must document their communication with parents, as well as their efforts to provide services to students with disabilities, throughout the COVID-19 crisis. This does not necessarily require a reconvening of the IEP team, however when schools reopen, IEP teams will likely need to reconvene to determine if there is a need for IEP amendments or compensatory services.
- **Documentation** of the service, date, time, and duration of specialized instruction and/or related services provided to students with disabilities during a school closure is required. When schools reopen, a lack of documentation showing that a student's specialized instruction and related services were provided during the school closure may lead to due process complaints and corrective action orders. In the absence of documentation, a hearing officer may assume that no services were provided.
- **Progress monitoring** - Instructors and related service providers must continue collecting data for progress monitoring purposes. Progress monitoring data will not only be utilized to provide parents with accurate reports of their child's progress toward meeting his/her annual goals, as identified in each student's IEP, but will also provide important information if compensatory education is an issue, due to COVID-19 school closure.

For more information about delivering special education and related services during COVID-19 school closures, go to the **Center on Online Learning and Students with Disabilities**:

<http://www.centerononlinelearning.res.ku.edu/resource-documents/>

## Pitfalls to avoid in serving students with disabilities during COVID-19

When districts face actual and potential extended school closings because of a pandemic or other emergency, they'll need to keep in mind the rights of students with disabilities to receive FAPE and to access educational opportunities. This chart provides a list of major pitfalls districts should avoid in serving students in such situations.

Pitfall	Do this instead
1 Delivering services to the general student population, but not providing FAPE to students with disabilities.	If a district provides educational opportunities to the general student population while a school is closed, it <b>must ensure students with disabilities also have equal access to those opportunities, including the provision of FAPE.</b>
2 Not documenting services provided to students with disabilities during a school closure.	When schools reopen, the absence of documentation showing that a student's specialized instruction and related services were provided may lead to due process complaints and corrective action orders. In the absence of documentation, a hearing officer may assume that no services were provided. <b>Districts should ensure educators track dates, times, and duration of instruction and services</b> provided to students with disabilities.
3 Failing to provide special education and related services to a child with a disability who is absent for an extended period of time because the child is infected with COVID-19, while the schools remain open.	When a child with a disability is classified as needing homebound instruction because of a medical condition, as ordered by a physician, and is home for an extended period of time (generally more than 10 consecutive school days), <b>the IEP team must convene to change the child's placement and revise the child's IEP, if warranted.</b>
4 Failing to hold an IEP meeting for a student who is at high risk.	For schools that are still open or in the event that schools re-open, districts should <b>identify students who are at high risk of infection</b> (e.g. students with cystic fibrosis, other students with compromised immune systems, and other medically fragile students). IEP teams should <b>meet to determine on an individualized basis whether a potential change of placement, such as home instruction, is necessary.</b>
5 Not ensuring a student can access learning tools from home during a school closure.	For a student who is receiving online instruction from home due to COVID-19, districts <b>must ensure that the student has the required technology and training to access the websites and other methods of delivering instruction</b> (e.g. a student might require a computer or tablet, or a student with a visual impairment might need a screen reader).

## Social/Emotional Supports for Students with Disabilities during COVID-19 School Closure

The outbreak of coronavirus may be extremely stressful for people. Fear and anxiety about a disease can be overwhelming, and cause strong emotions children, as well as adults. Children and teens may respond more strongly to the stress of a crisis, especially those who are already dealing with pre-existing mental health conditions, such as anxiety and depression. The Centers for Disease Control and Prevention (CDC) currently reports that the risk of exposure to COVID-19 is low for young Americans, however, research on natural disasters makes it clear that, compared to adults, children are more vulnerable to the emotional impact of traumatic events that disrupt their daily lives.

In addition to keeping children physically safe during the COVID-19 outbreak, it is also important to care for their emotional health. Below are some recommendations for providing support and promoting the emotional well-being of children in the face of the COVID-19 crisis:

- **Encourage parents to limit their children's exposure to the media**
- **Help students address their fears**
- **Communicate with students to spot signs of anxiety over pandemic worries.** While schools might be closed to reduce the spread of coronavirus, that doesn't mean districts can ignore their child find responsibilities. Current events might trigger anxiety-related needs. Communicating with students can reveal persistent or increasing anxiety that might warrant 504 considerations, like extra time for assignments or counseling.
- **Incorporate social-emotional learning into student distance plans.** Social-emotional learning may be more important than ever as students, families, and teachers make the challenging shift to online and distance learning during COVID-19 closures.
- **Provide mental health info to parents.** Parents may need help in addressing and recognizing their child's stress and anxiety about the coronavirus outbreak. The National Association of School Psychologists (NASP) advises that information provided to parents include contact information in case they need assistance with their child's mental health.
- **Reach out to vulnerable students.** Encourage administrators, teachers, counselors, school psychologists, and others to reach out by phone or email to students you already know are vulnerable. Ask how things are going and if they need anything.
- **Send positivity to vulnerable students.** Send postcards or letters to every vulnerable student regardless of age. A simple message, such as, "I know things are a little scary right now, and it's hard not being able to see your friends in person, but just know that I'm thinking of you," can help ease a child's anxiety and provide a sense of relatability

- **Encourage the use of apps.** Suggest students find online applications to learn how to engage in meditation, yoga, and other mindful and movement activities.
- **Remind parents to give their child outdoor breaks** within the confines of social distancing.
- **Encourage students to set up videoconferencing with friends** through apps.

For more information about how to support students social-emotional needs during COVID-19 school closures go to:

**Center for Disease Control (CDC): *Talking with Children about the Coronavirus Disease 2019: Messages for parents, school staff and others working with children.***

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/talking-with-children.html>

## COVID-19 Supports for Parents and Caregivers

As schools send students home for COVID-19 preventive measure, many people find themselves navigating remote learning, online learning, virtual school, and substitute teaching for the first time. This is a challenging time of adjusting and juggling for teachers *and* parents. Teachers will rely on the skills they use every day, like communication, empathy, and motivation. Parents and students should focus first on their health and well-being, and then turn to academics. Here are some tips for parents, families, and caregivers on how to deal with the COVID-19 crisis and school closures.

- **Be a role model.** Children will react to and follow your actions and reactions. Observe the social distancing, isolation, and quarantine recommendations of medical experts and your health care provider.
- **Establish and maintain a daily routine.** Keeping a regular schedule provides a sense of control, predictability, calm, and well-being. It also helps children and other family members respect others' need for quiet or uninterrupted time when they can connect with education virtually. Like adults, children of all ages feel empowered if they can control some aspects of their life. Having a sense of control reduces fear.
- **Identify projects that might help others.** This could include: writing letters, doing craft projects, baking, or performing socially-distanced volunteer work for neighbors, people who live alone, healthcare workers, or people who have been impacted, either financially or medically, by COVID-19.

- **Monitor television, internet, and social media viewing, for yourself and your children.** Watching continual updates on COVID-19 may increase fear and anxiety in both you and your children. Set aside some time each day to engage your children in reading, games, puzzles, or other fun activities. Schedule news updates in the early morning or at night after younger children have gone to bed. Watch the news with older children and talk about it.
- **Find time to talk to your children.** Let your children's questions guide you, and answer them truthfully, but don't offer unnecessary details or facts. Often, children and youth will not express their concerns because they are confused or fearful, or they don't want to worry their loved ones. Set aside time to talk with your children about coronavirus, and address any fears or misconceptions they might have about it. Younger children tend to absorb scary information in waves. They might ask questions, listen, play for a bit, and then repeat the cycle. Older children may act like it is no big deal. Do your best to reassure your children that there may be changes as a result of the virus, but you will get through it together, as a family.
- **Stay focused on today.** This is not to say that you should not plan for your family's needs or take the precautions necessary to keep everyone safe and healthy, but if you focus *too much* on the future and the "what ifs," you may quickly become emotionally overwhelmed. When you catch yourself worrying extensively about the future, ask yourself, "*Is it true*?" If the answer is no, redirect your thinking to the here and now. Try to put your energy into doing things that will improve the quality of your life and the lives of your children. Clean out a drawer, go for a walk, do some deep breathing, reach out to a friend. There are endless ways to make life a little better, one day at a time—even while practicing social distancing.

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- **Stay in touch with your school.** Find out how the school is communicating with families and students. Are they using their school website, making phone calls, sending emails? If the school is using a communication format that you do not have, contact your child's principal or teacher so they can arrange a different method of providing information and resources. Make sure the school has your current contact information, including cell phone number(s), email, physical address, etc.
- **Check out additional resources.** Find out if your school or district is providing additional resources, such as to-go meals, technology (i.e. a laptop or tablet), or information about where to find additional learning resources.
- **Locate learning resources.** Schools' capacity to conduct virtual learning experiences will vary greatly, but most schools are providing lessons and learning activities, either via print materials or online. Explore the many online programs, apps, and community resources that offer free learning opportunities.

- **Connect with your child's teacher.** Reach out to your child's teacher(s) and advise them of your situation. Will you be working from home, working outside the home, or not working? Will a caregiver be overseeing lessons and activities? Does your family have unique stressors or circumstances that the school may be able to help with? If you have questions, concerns about coping, or if you are worried about keeping up with assignments or activities let your child's teacher(s) know.

For more information about how to support your child's education and well-being during COVID-19 school closures, go to:

**Wyoming Parent Information Center** <http://www.wpic.org>

**Center for Disease Control (CDC): *Talking with Children about the Coronavirus Disease 2019: Messages for parents, school staff and others working with children.*** <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/talking-with-children.html>

## Wyoming Department of Education Back to School 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><b>Remote education means <i>classes delivered by a teacher located in a physical classroom with students present</i> while also providing simultaneous remote instruction.</b></p> <p><b>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.</b></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 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</i> 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>Remote education cannot be used during school closures. 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><b>Student must reside in the district and have primary enrollment in the school providing the instruction.</b></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
<p>Resident district school programs/classes Resident district distance learning programs Resident district Homebound</p>	<p>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.</p>
<p>Private Schools Homeschools</p>	<p>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.</p>
<p>Out-of-District Virtual Schools</p> <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>	<p>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.</p>