

Alaska Special Education COVID-19 District Guidance



One of Alaska's top priorities during an ordered school-building closure period, seeking to diminish the spread of the coronavirus (COVID-19), is to ensure students with disabilities receive educational services closest to the manners prescribed within their Individualized Education Programs (IEPs). The department recognizes this will pose challenges. This document is designed to help school districts provide special education services to students with disabilities (ages 3-21). The document addresses specific requirements of the Individuals with Disabilities Education Act and speaks to the questions that have emerged concerning serving students with Individual Education Programs (IEP).

School district leaders must consider the following three questions as they think through how best to provide special education services to students with disabilities:

- Is the activity identified in the IEP essential?
- Can the activity be done virtually?
- If there is no other choice, then can the activity be done safely? This means individuals are separated by distance, not congregating in close proximity and the health of participants (students, educators and others) is protected. Consulting the local health department is advisable and encouraged.

School Buildings Completely Closed to Students; Education Services Not Provided

During this ordered school-building closure period, some schools may be completely closed and not providing educational services; for instance, during the school's planned spring break or during a voluntary complete shutdown based on a local decision. When a district or school is not in session and educational services are not provided to any student, specially designed instruction and related services are not required to be provided to students with disabilities.

Alaska's Ordered School-Building Closure

During the ordered school-building closure, school buildings are closed to students, but many schools are making a good-faith effort to provide educational services to students. Therefore, efforts must be made to provide specialized services to students with disabilities during this time. Schools will need to consider the exact nature and duration of the services provided during this period on a case-by-case basis depending on the needs of individual students.

Individualized Education Program (IEP)

School or district personnel should review each IEP to determine the type and frequency of services each student will require during the ordered school building-closure period.

If adjustments to specialized services are needed, school personnel should convene the IEP team to review and determine specific services that will be provided during the ordered school-building closure period and revise the IEP accordingly. The IEP team meeting can be conducted virtually or by phone and should include decisions about location of service or placement of the individual child. Parents must be invited to these meetings.

IEP teams can use data collected prior to or after the ordered school-building closure period to determine if compensatory time or extended school-year services (see below) will be required due to an interruption of services.

IEP annual reviews can be completed using a virtual format or via telephone. Participation and signatures can be documented via email attachment, standard mail, scanned document, photograph or any other electronic means, and the method of IEP team review and signature collection should be documented in a prior written notice form.

Evaluation Team Considerations

To the extent practicable, the Evaluation Summary and Eligibility Report (ESER) and, when qualifying, the Individualized Education Program (IEP) must be completed within the 90-day timeline as prescribed in Alaska Administrative Code-4 AAC 52.115 (Timelines). This is in compliance with the Individuals with Disabilities Education Act (IDEA) 34 C.F.R. 300.301 (Initial evaluations).

Reviews of the ESER can be completed using a virtual format or via telephone. For parents and others attending by other means, the signature line may read "Attended by (method)". Meeting results can be documented via email attachment, standard mail, scanned signature, photograph of the document, or any other electronic means. Ensure parents are provided a copy of documents in compliance with federal requirements (See 34 CFR 300.322(f), 34 CFR 300.503(a)(1), 4 AAC 52.140 and 4 AAC 52.190).

If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation may need to be delayed until the ordered school-building closure ends.

Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place during the ordered school-building closure, so long as a student's parent or legal guardian consents. These same principles apply to similar activities conducted by appropriate personnel for a student with a disability who has a plan developed under Section 504 or who is being evaluated under Section 504.

As is allowed with a typical re-evaluation, a district may choose to conduct a records review. This allows the district to update the evaluation using existing information and previous assessments, when appropriate, without conducting face-to-face assessments and observations. The method of conducting an ESER review and signature collection should be documented in a written notice consistent with the state and federal requirements.

If the school was scheduled to conduct an ESER review prior to the ordered school-building closure period but was unable to complete it, then consider the student eligible and provide services to students based on your school or district's processes and procedures until a valid assessment can be conducted.

Determining Compensatory Services

The determination to provide compensatory educational services as a result of the ordered school-building closure needs to be made on an individual or case-by-case basis after the ordered school-building closure ends. IEP teams should review student data to determine if critical skills will be or have been lost during the period in which the district has been closed.

Determining the Need for Extended School-Year Services

The need for extended school-year services should be made on an individual or case-by-case basis. This should be evaluated after the ordered school-building closure ends.

On-site Monitoring During Ordered School-Building Closure:

Alaska conducts on-site compliance monitoring in the Fall. It is unknown at this time what school will look like at that time. If schools continue to be affected in the beginning of the next school year, on-site monitoring will be changed to a desk review process, including virtual participation (if necessary). The special education team will assess the situation at the conclusion of Alaska's ordered school-building closure to determine how the Department's reviews will continue beyond the ordered school building-closure period.

Dispute Resolution Processes

If a complaint is in the process of being investigated during the ordered school-building closure period, the complaint investigator will determine if the investigation can continue. This will be based on the information the district or parent has provided. Alaska conducts most complaint investigations via telephone, so this is not a new practice; however, if an extension to the 60-day timeline is needed, parties will be notified by the dispute resolution investigator.



If a district is involved in a facilitation, mediation or due process hearing and the facilitation, mediation or hearing is scheduled during the period of school or district closure, contact the Department's Dispute Resolution staff for information at (907) 465-2972.



Allocation of Special Education Funding

The Department does not anticipate any process delays with budget amendments for the current school year nor do we anticipate any delays in the allocation funding for next school year. Changes to the budget will continue to follow the process established in the Grants Management System (GMS).

Services to Students When Schools Provide Alternative Means of Education

If a school district chooses to educate students through online or distance learning in place of in-person instruction, the school or district should make a good faith effort within available capabilities to meet Free Appropriate Public Education (FAPE) requirements and do the following with regard to students with disabilities:

- When possible, ensure all special education students have access to computers and internet or other acceptable connectivity (such as cell phone service).
- Ensure all students in the school or district have equal access to the learning and required materials, including technology.
- Ensure the online learning system can effectively support the district's deployment of FAPE, including the ability to provide differentiated instruction and one-on-one support for students who need it. Regardless of where the learning is happening, supports and services identified within a student's IEP must be provided to the extent practicable and without putting the health and safety of students or educators at risk as long as the school district is operating.
- Provide training to staff, students, parents and guardians, enabling them to use the online system and understand the district's expectations for use of the system. All training can be accomplished virtually.
- Track and document services provided pursuant to the IEP.
- Whenever possible, consider providing related services such as occupational, physical and speech language therapy in an online format to the extent practicable.
- Address how paraprofessional support or assistive technology will be provided.
- If a student is medically fragile, the school may want to consider reconvening the IEP team and discussing a temporary change of placement for the child during the ordered school-building closure period.

If, after considering the above, the district cannot meet the needs of students with disabilities, the district must determine how compensatory services will be provided after the ordered school-building closure period has ended.

Webinars

Daily Webinars until further notice from the Alaska Department of Education and Early Development, Special Education Team Weekdays at 1:30 pm the special education team will present updates and responses to questions asked and, as necessary, update answers to questions as needed.

The (clickable) link to these webinars is:

<https://stateofalaska.webex.com/meet/colleen.shivers>

Access code: 808623654

Or

Join by phone at 1-650-479-3207

Access code: 808 623 654

Additional Information and Resources

State of Alaska Websites:

- DEED's Teaching and Learning Support website: <https://www.AKLearns.org>
- DEED's COVID-19 website: <https://education.alaska.gov/safeschools/infectiousdisease>

Federal Websites:

- CASE: <https://docs.google.com/document/d/1zEHggcHSI7sRQy5IpPEC0FaP4Vw5Wm0uUooruNFmrl/preview>
- DOE: <https://www.ed.gov/coronavirus>
- OCR: <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-coronavirus-fact-sheet.pdf>