

May 1, 2020

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Navigating the COVID-19 Crisis

Erin Maguire, CASE President

Myrna Mandlawitz, J.D., CASE Policy and Legislative Consultant

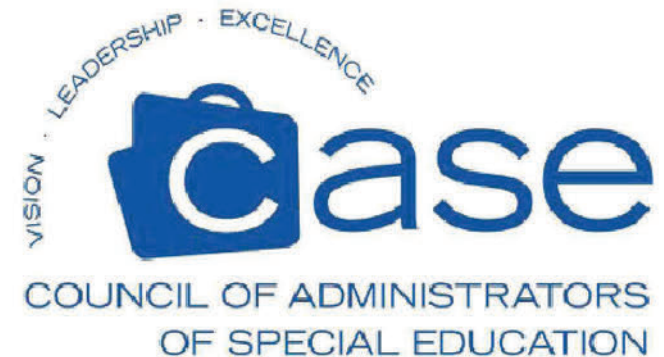
Kevin Rubenstein, Ed. D., CASE Policy & Legislative Chair

Julie Weatherly, Esq., Resolutions in Special Education

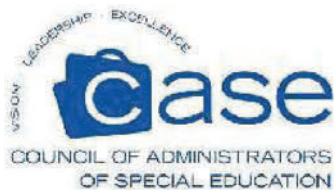
Moderated by: **Phyllis Wolfram**, Executive Director, CASE

Agenda

1. Welcome and Introductory Comments
2. Introductions
3. Four Priorities - Do's and Don'ts
4. Updates from Washington
5. Moving Forward: ESY, Compensatory Education, Data and Goal Progress
6. Questions



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Presenters for Today

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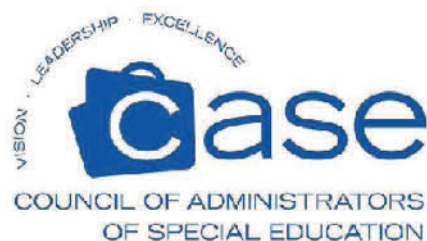
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Real Talk

Disclaimer:

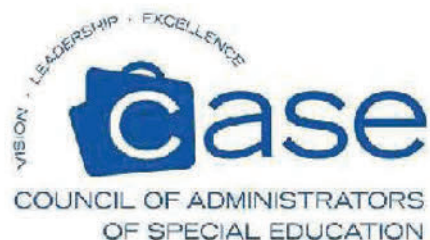
The information we are providing today is the best we know at this moment.

- It might change by the end of the webinar based on additional guidance.
- It could change by next week or if things change.
- States have specific guidance which should be reviewed as well.



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Legal Considerations in this "Phase" of COVID-19 Service Implementation

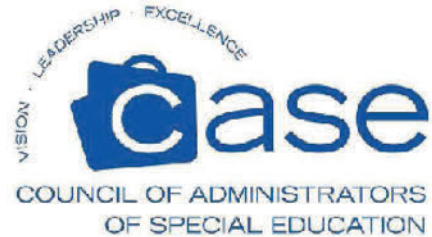


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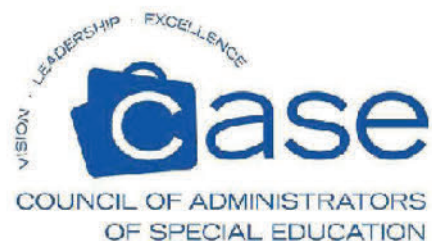


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Four Priorities for Special Education:

- 1** Focus on the safety, health, and welfare of students and staff members in your community.
- 2** Provide FAPE - Deliver services to as many students as you reasonably can in the best way you know how.
- 3** Document your efforts; make sure documentation is focused, consistent, detailed and demonstrates a good faith effort to provide good services.
- 4** Compliance during the pandemic - IDEA wasn't built for this.

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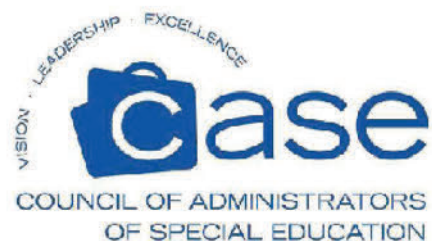
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Four Priorities for Special Education:

1 Focus on the safety, health, and welfare of students and staff members in your community.

Do	Don't
<ul style="list-style-type: none">• Follow CDC and State Guidance Documents even during the summer as you are planning for ESY and reopening.• Plan for possible challenges with health and welfare in the long term.• Focus on mental health for your staff and for students - what are you doing to keep balance?	<ul style="list-style-type: none">• Bring populations of vulnerable children together because it's easier or because it's tradition.• Turn to your special education lawyer for answers as to when students should be brought back on school campuses.

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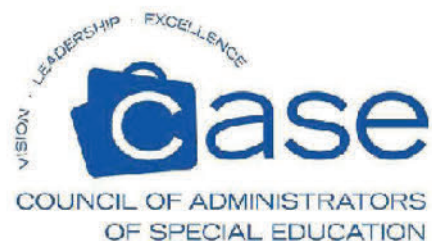
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Four Priorities for Special Education:

2 Provide FAPE - Deliver services to as many students as you reasonably can in the best way you know how.

Do	Don't
<ul style="list-style-type: none">• Continue to provide as many services as possible through remote learning as you can.• Provide Extended School Year services as you typically would have (just provide them virtually)• Make services and supports individualized for students with disabilities.	<ul style="list-style-type: none">• Ask parents to sign "FAPE waivers."• Decide you'll just handle things through "comp. ed" when schools reopen.• Stop reaching out to families, even if they have disengaged with you.• Stop reaching out to general ed. folks.

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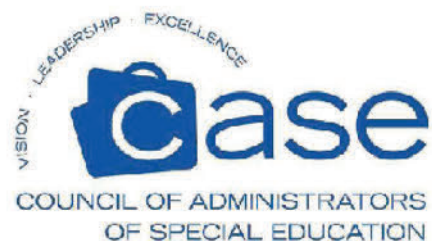
Four Priorities for Special Education:

3

Document your efforts; make sure documentation is focused, consistent, detailed and demonstrates a good faith effort to provide good services.

Do	Don't
<ul style="list-style-type: none">• Assist your teams with staying organized with all of the “paper” and virtual records.• Organize yourself and your team over the summer for what the Fall will look like (i.e., evaluations, meetings, etc.)	<ul style="list-style-type: none">• Force yourself to rely on memory during this emotional and challenging time.• Count on others to be organized or to have a good plan of organization.• Plan to organize yourself “later” when things are back to “normal.”

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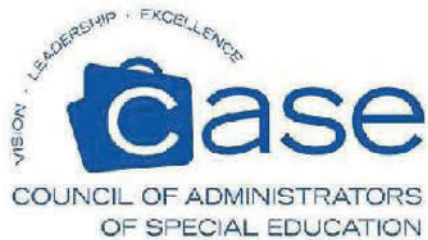
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Four Priorities for Special Education:

4 Compliance during the pandemic - IDEA wasn't built for this.

Do	Don't
<ul style="list-style-type: none">• Comply with meeting notification requirements in the best way you know how.• Attempt to meet timelines as best as possible.• Follow through with state guidance documents.	<ul style="list-style-type: none">• Count on any flexibilities coming from Congress.

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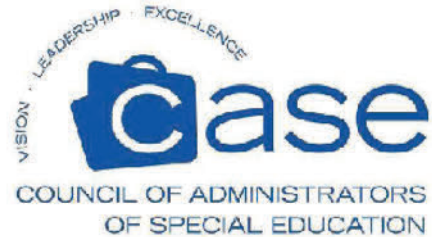
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Updates from Washington DC



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How the Federal Government Monitors States

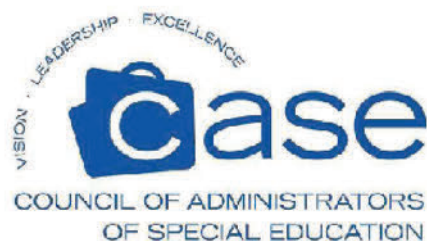
The Need for Flexibilities in Some of the Process Pieces

- Under Section 1416 of IDEA, the U.S. Department of Education is tasked with **monitoring compliance** of state and local education agencies with all of the “**process pieces**.”
- Each LEA is required to submit data to the state that reflects process compliance (e.g., timely completion of initial evaluations, annual reviews of IEPs, timely resolution of parent complaints)
- In turn, each state submits this information to the U.S. DOE through its **State Performance Plan**.

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Acting to Support Flexibilities

Temporary and Targeted Flexibility Is Necessary



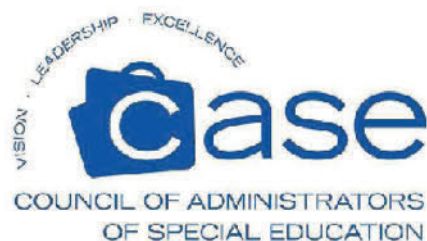
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- CASE sent a letter to Congressional leaders and to others at the Department of Education to support flexibilities under IDEA to address the challenges of COVID-19.
 - Letter is available at: <https://bit.ly/LetsBeFlexible>
- CASE does not support waivers of IDEA in any way.

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Acting to Support Flexibilities

Temporary and Targeted Flexibility Is Necessary



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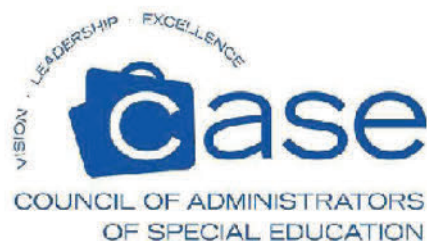
- Secretary DeVos issued recommendations for flexibilities on Monday:
 - No support for “blanket waivers.”
 - Recommended flexibilities in the Part C to B Transition Timelines

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Acting to Support Flexibilities

Temporary and Targeted Flexibility Is Necessary

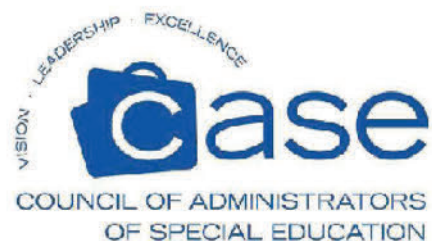
- Senator Cassidy (R-Louisiana) and Senator Murphy (D-Connecticut) offered a plan for narrow, temporary, and targeted flexibilities:
 - **Principle 1:** Preserve the right FAPE
 - **Principle 2:** Engage Parents, Ensure Due Process
 - **Principle 3:** Maintain Oversight and Accountability
 - **Principle 4:** Communicate Current Flexibilities Clearly and Provide Assistance
 - **Principle 5:** Provide Funding to States and School Districts



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CARES Act - K-12 Funding Summary



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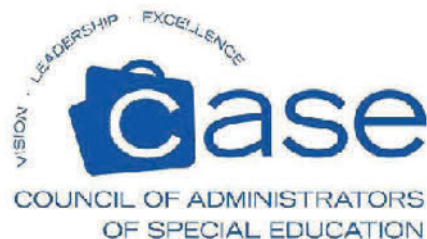
	Elementary and Secondary School Emergency Relief Fund	Education Stabilization Fund Discretionary Grants	Governor's Emergency Education Relief Fund
<i>Amount</i>	\$13.5 Billion	\$307 Million	\$3 Billion
<i>Formula</i>	Title I	Application	Population & number of K-12
<i>Distribution</i>	State Agencies	Governors' Offices in states hardest hit	By Governors' Offices

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Additional Asks - Funding

Potential Funding in Another Stimulus

- IDEA Funding - \$13 Billion?
- ESEA
- e-Rate
- Other Areas



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Moving Forward: ESY, Compensatory Education, Data and Goal Progress

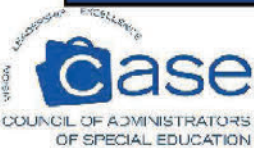


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Considering ESY in Light of COVID 19

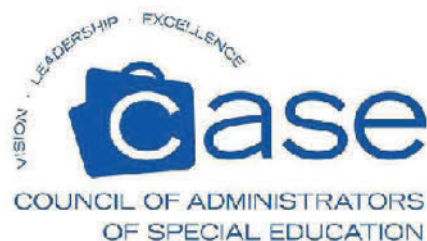
June 2019 - Point the Schools Closed	March 2020 - June 2020 COVID-19 School Closures	June 2020 - August - 2020
<ul style="list-style-type: none">• Analyze the data and determine student progress at the point schools closed.• Consider ESY based on prior regression data at this point. (These students have likely already been identified or decided through a typical IEP meeting)	<ul style="list-style-type: none">• Maintain documentation of what services were offered.• Maintain documentation of what services were delivered.• Collect solid data on IEP goal progress across the time frame services are delivered under distance learning frameworks.	<ul style="list-style-type: none">• Implement ESY services based on team determinations• Analyze COVID Impact• Consider addressing COVID Impact for all students including students with disabilities• Plan for the Fall through assessment of student performance and delivery of FAPE

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Thinking Through ESY Logistics

Some Design Principles

- Don't use ESY as the catch all
- Think about the 4 Priorities
 - In person vs. virtual
 - Beginning of summer vs. end of summer
 - Provide FAPE based on individual needs and student circumstances
 - Classes vs. Group



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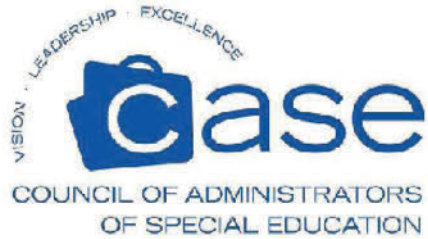
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Compensatory Education

A Legal Analysis:

FAPE is required during the Pandemic

- Compensatory Education is a legal remedy if a district does not provide FAPE
- Ask these questions:
 - What is FAPE under the circumstances?
 - Has the district documented and offered FAPE during the pandemic?



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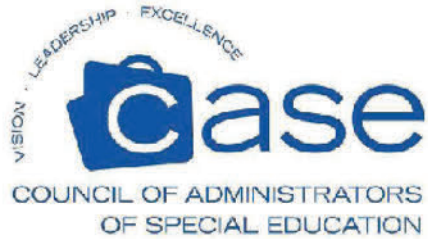
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IEP Goal Progress Monitoring

The Importance of the Final Benchmark

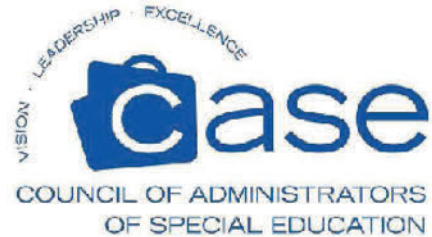
Understanding the Success of Distance Learning

- Consider Assessment Possibilities
- What aligns to goals and how could you gather this data?
- Manage the data
- Support Special Educators to analyze data to provide clear COVID impact.



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Questions for Presenters

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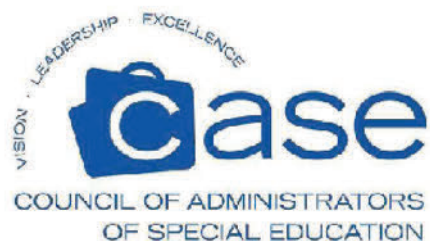
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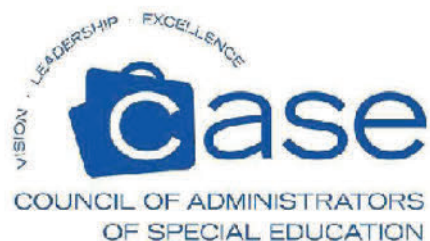
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www.casecec.org

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**Thank you for participating in the
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May 12, 2020 - 4:30pm CST