

Virginia Department of Education
Considerations for COVID Recovery Services for
Students with Disabilities

Table of Contents

Introduction	3
Legal Framework for COVID Recovery	4
Local Education Agency (LEA) Instructional Considerations	5
Return to School Planning Considerations	5
Regression and Content Learning	7
Using an Equity Lens	8
Social-Emotional Learning (SEL)	8
Considering COVID Recovery Services	9
When Should IEP Teams Meet to Discuss COVID Recovery Services?	9
How Should IEP Teams Document Decisions About COVID Recovery Services?	10
What Data Should IEP Teams Gather and Review?	11
Pre-COVID Data	11
COVID-19 School Closure Data	11
Gathering New Data	11
What Questions Should the IEP Team Consider?	12
Compliance Considerations	14
Overview of Traditional Compensatory Services	14
Differentiating COVID Recovery Services from Traditional Compensatory Services	14
COVID Recovery Services	14
Determination of COVID Recovery Services	15
Phased Reopening and COVID Recovery Services	15
Documenting COVID Recovery Services in an IEP and on a PWN	16
Resources	18
Academic Resources	18
Behavior and Social-Emotional Resources	18
Resources for Administrators	19

Introduction

This document was developed to provide support to school administrators and directors of special education as they plan for return to school, special educators and parents who will be participating in Individualized Education Program (IEP) meetings, and for Local Educational Agencies (LEAs) and families that may be navigating a dispute. This document highlights information related to compliance, documentation and progress monitoring, and IEP Team considerations that are necessary in order to make decisions about and address requests for COVID recovery services for students with disabilities. While the *Individuals with Disabilities Education Act* (IDEA) provides for compensatory services when there is a denial of free appropriate public education (FAPE), the compensatory services offered by Virginia school divisions to address a loss of services due to COVID-19 should be referred to as COVID recovery services.

The [Recover, Redesign, Restart 2020](#) comprehensive guidance document provided by the Virginia Department of Education (VDOE) outlined [a phased reopening of Virginia schools](#). In this guidance, all PreK-12 schools in Virginia are required to deliver new instruction to students for the 2020-2021 academic year, regardless of the operational status of school buildings. It is important to note that educational models for the 2020-2021 school year may vary across the Commonwealth and may include virtual instruction, in-person instruction or hybrid models combining virtual and in-person instruction.

Legal Framework for COVID Recovery

In March 2020, the Governor of Virginia ordered the “cessation of all in-person instruction at K-12 schools, public and private, for the remainder of the 2019-2020 school year.” Subsequently, the U.S. Department of Education (USED) issued guidance that “[i]f an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child’s individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504.”

Furthermore, USED stated that it “understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements.”

Finally, USED noted that “if an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). State Education Agencies (SEAs), LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student’s IEP developed under IDEA, or a plan developed under Section 504. (34 CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).”

The first sentence in the statement above regarding the provision of FAPE refers only to Section 504 and the *Americans with Disabilities Act* and speaks solely to “access” for students with disabilities. If schools are closed, a LEA need not provide services to *any* student during the time it is closed. The situation presented by COVID-19 is infinitely more complex than two alternative scenarios - schools are closed with no services and schools are open with all services. Notably, the USED’s guidance does not contemplate the huge variety of forms of instruction, activities for the continuity of learning and types of “educational opportunities” that have been provided to students across the Commonwealth. Thus, there must be an attempt to construct a rational and reasoned approach to a school division’s responsibility to students with disabilities during the varying phases of school reopening. There is a construct that draws a bright line between schools being open and schools being closed. If participation is compulsory, then school is open. If participation is voluntary, then schools are closed, and the only right retained by the student with a disability is the right to access under Section 504.

The Governor's [*Guidance for Phased Reopening of PreK-12 Schools*](#), issued on June 9, 2020, states that "[a]ll PreK-12 schools in Virginia will be required to deliver new instruction to students for the 2020-2021 academic year, regardless of the operational status of school buildings," participation in instruction is expected to be compulsory for all students, whether through the provision of in-person or virtual services. As a result, the process for identifying the nature of services to be provided to students in terms of "returning to school" - even if not in a physical sense, must begin with the new school year, and, depending on the student's unique circumstances, may need to be modified by the IEP Team as the format of instruction evolves.

Local Education Agency (LEA) Instructional Considerations

Return to School Planning Considerations

Upon a return to schools, LEAs should plan for: (i) providing new instruction for all students including the learning needs of all students in an equitable manner, with attention to vulnerable and special populations (including but not limited to students with disabilities, English learners, those students disconnected with school during the spring closure, young learners, twice exceptional students, etc.); (ii) preparing teachers through professional development; (iii) robustly engaging families; and (iv) communicating with stakeholders. LEAs should plan for identification of learning needs through formative assessment, supports for student success and well-being, and through revisions to curriculum, pacing, and instructional delivery.

The Northwest Evaluation Association's (NWEA) [*Kick-start fall planning: 4 principles for instructional leaders*](#) provides principles to bridge unfinished teaching for students while moving forward teaching grade-level standards in the current school year. The principles are:

1. Build a systemwide approach to social emotional learning (SEL).
2. Establish systemwide curriculum models accompanied by professional learning for teachers on scaffolding instruction and use of data.
3. Ensure time and structures are designed to optimize student learning.
4. Guarantee each building has a strong instructional leadership team (ILT).

As educators and students return to school, it is important to align expectations about student progress with the LEA's educational offerings. Beliefs about student learning and growth of skills that are based on a traditional educational model (five days a week of in-person instruction with a 12 week summer break) do not align with the reality of education during COVID-19 school closures. Despite the timely development of Continuous Learning Plans and other significant efforts by local school divisions to ensure continuity of learning during the COVID-19 school building closures, many students are likely to show signs of regression or display gaps in their learning when schools reopen. To mitigate this regression and close these gaps, many students - including general education students and special populations such as students with disabilities or EL students - will need additional services and support to regain lost educational

skills. Educators should gather data to guide curriculum and instruction and identify students significantly impacted by COVID-19 school closures. School staff and families should be realistic in their expectations that teachers will focus their attention on assessment data during this crisis or during the transition back to school.

“School divisions will need to plan and implement efficient and effective ways to determine learning gaps that have manifested and grown during the extended school closure, address learning gaps through revisions to curricula and pacing, and prepare teachers and students for various models of instructional delivery.” (Refer to [Recover, Redesign, Restart 2020](#) pg. 57.)

The VDOE [Recover, Redesign, Restart 2020 A comprehensive plan that moves Virginia Learners and Educators FORWARD](#) (pg. 51) provides key considerations for school divisions:

- Establish measurable goals and monitoring systems for student access and engagement.
- Establish measurable goals and monitoring systems for students’ social-emotional and academic learning.
- Develop a data analysis plan to determine periodic progress towards the goals.
- Plan and ensure that IEP services are reflective of the school’s new general education plan/schedule.
 - Consider Specially-Designed Instruction (SDI) plans (e.g., specific to virtual learning, meet virtually with case managers, sharing screenshots, students/families need to know that the virtual supports are there).
- Conduct ongoing needs assessments from all stakeholders.

Additionally, [Recover, Redesign, Restart 2020 A comprehensive plan that moves Virginia Learners and Educators FORWARD](#) (pg. 51) provides the following key considerations for teachers:

- Identify individual students within classes who may need extra resources and targeted supports, in addition to the identified groups above.
- Collaborate with school counselors to quickly support the expressed needs of vulnerable students, as they arise or are discovered.
- Implement instruction consistent with IEPs/504 plans.
- Connect with Training and Technical Assistance Centers (TTACs), who offer regional support to school divisions and teachers for students with disabilities.
- Refer to Virginia Tiered Systems of Support (VTSS) COVID-19 resources update and resources for implementers pages for more information on how to utilize a data-informed decision making approach to best inform revisions to curriculum and instructional practice for a school-wide approach, classroom considerations, and work with individual students.

Regression and Content Learning

During any break in instruction, students can experience a regression of skills. The amount of loss will vary by grade level, subject, and the individual student's current level of performance. Expectations for student achievement should be contextualized with the LEA's offerings during the period of school closure, any summer offerings (virtual or in-person instruction, as well as the educational model during the 2020-2021 school year. Additionally, skills may be impacted by LEA services provided during COVID closure and supports available in the home environment. Prior to determining COVID recovery services, educators should consider typical progress based on local general education offerings and the factors mentioned above.

Instructional leadership is critical to address the fact that while student "achievement typically slows or declines over the summer months, declines tend to be steeper for math than for reading, and the extent (proportionally) of loss increases in the upper grades ([NWEA, 2020, pg. 2](#))."

Instructional decisions about unfinished content may differ by grade or subject area and include addressing any missed content at the start of the year, accelerating the pace of instruction, or providing missing content throughout the year.

Each LEA should determine instructional considerations for core content areas. Some examples of instructional decisions for Math and Language Arts, adapted from [Kick-start fall planning: 4 principles for instructional leaders](#), include:

Mathematics

- Prioritize the major work of each grade.
- Determine if the missed math content serves as a necessary foundation for later conceptual development.
- Determine what content can be taught alongside content for the next grade.
- Determine what content might be postponed or deprioritized in order to address unfinished teaching from the prior year and to maintain focus on the major work of the grade.
- Locate grade-level standards and then identify standards from the previous grade that are foundational to achieving the standards.

English Language Arts

- Distinguish between the unique needs of K–3 and 4–12 literacy and differentiate plans.
- Identify and address gaps in foundational skills that may have a cumulative, long-term impact.
- Adopt a systematic approach to ensuring a carefully sequenced early literacy curriculum is provided to each child.

- For students in grades 4–12, start with all students reading texts on or near grade level, with scaffolding provided so each child can access the texts.

Using an Equity Lens

As LEAs and schools move forward reviewing student data, it is vital that educators [examine data with an equity lens](#). It is important to consider a range of perspectives when interpreting schoolwide and individual student data. The SEL Data Reflection Protocol provides some questions for LEAs and schools to focus on when using an equity lens and they include:

- Does this data give a full picture of students' abilities? What else is needed to complete the picture?
- What kinds of academic interventions are offered? Are these interventions being accessed in an equitable way?
- Is there anything about this data / assessment that disadvantages some students?
- Do the students and families value the knowledge being assessed? How does the team know?
- What are ways the LEA or school can innovate to be more effective and equitable?

Social-Emotional Learning (SEL)

The threat of COVID-19, long-term social distancing, and prolonged disruption to the school routine may create significant stress and impact students' well-being. This is a particularly important consideration for students with disabilities, as they may be more likely to experience challenges in adapting to the many changes brought on by the COVID-19 school closures. Professionals working with students with disabilities (SWD) need to consider the students' social-emotional needs as well as the impact that the student's well-being may have on their readiness to learn and academic progress.

The social-emotional well-being of students is influenced by a child's individual characteristics, prior experiences, social and economic circumstances of the family, degree of dependency on adults, and the availability of support. The Center for Disease Control and Prevention (CDC)¹ has identified key factors that may affect a child's emotional response to a crisis. Not all learners will respond in the same way to these experiences.

Prior Experiences

- Did the student experience any previous traumatic or stressful events?
- Has the student previously experienced the loss of a family member or close friend?
- Did the student have any existing social-emotional needs identified?

¹ Centers for Disease Control and Prevention (CDC); 2019. Retrieved from: <https://www.cdc.gov/childrenindisasters/helping-children-cope.html>.

Current and Future Experiences

- Is the student experiencing a separation from caregivers during the crisis or as they return to school?
- How are the parents and caregivers responding to the crisis?
- What are the ongoing stressors occurring due to the change in familiar routines or direct impact of COVID-19?

Environmental Factors

- Is the surrounding community resilient and supportive?
- Are there strong existing family structures or relationships with healthy communication among family members?
- Does the family have access to essential resources?

Students who are impacted by one or more of these key factors may be in need of additional social-emotional supports as they return to school and learning. Expectations for students' growth and achievement will need to be contextualized given the impact of trauma or level of social-emotional needs. By addressing students' social-emotional wellness, strengthening their social support networks and their skills in self-management, teachers can help to support students' overall well-being and academic success.

Considering COVID Recovery Services

When Should IEP Teams Meet to Discuss COVID Recovery Services?

The Virginia Department of Education (VDOE) has long recognized that reasonable recoupment rates vary among individuals based upon individual learning styles and rates. Recoupment is the ability to recover a loss of skills in a reasonable time following a normal school break. Most students with disabilities recoup skills within a reasonable time following the school break. Accordingly, some students with disabilities may require more than six to eight weeks to recuperate. It is important to note that the closure of schools due to COVID is not a normal school break and this should be taken into consideration when considering a reasonable time standard for recoupment.

After a period of instruction, IEP Teams should consider individual student data to document recoupment of skills or persisting skill deficits. The LEA should consider the student's progress compared to the progress of all students during the extended school closure. Also remember that skill loss and recovery of skills may vary by grade and subject matter or be impacted by the educational model adopted by the LEA.

The determination of COVID recovery services is made by the IEP Team after a careful review of student performance and data including pre-COVID closures, student participation and performance during COVID closures, and performance upon return to school. This means that

IEP Teams will need a period of time to gather data on the student's performance and assess their skills in relation to pre-COVID closure and their learning rate compared to peers and with consideration of the educational experiences being offered by the LEA. Refer to the "What Data Should IEP Teams Gather and Review?" section of this document (pg. 11) for additional information on data sources.

LEAs are not required to automatically hold IEP meetings for every student with a disability upon return to school. School members of the IEP Team should consider initiating an IEP Team meeting when:

- there is a lack of expected progress toward the annual goals and in the general curriculum, if appropriate;
- the results of any reevaluation conducted, information about the child shared by the parent needs to be addressed; or
- if the LEA anticipates that the child may need COVID recovery services.

Additionally, the LEA must remember that when a parent requests COVID recovery services, this is a request for an IEP team meeting. Thus, the parent should receive a response from the LEA within ten business days from the time the request was made. A Prior Written Notice must be issued if the team declines such a request and could contain additional information justifying the refusal such as, the need for time to assess student progress. If a parent requests a meeting to discuss COVID recovery services, the IEP should communicate clearly the amount and types of data required to address COVID recovery services.

After communicating the data required to make the decision, the IEP Team may either 1) hold the meeting to hear the parent's request and make a plan for when they will reconvene to discuss the data and make a determination or 2) seek parental agreement to schedule the meeting for a date in the future when the required data for decision making will be available. If the parent agrees to schedule a meeting in the future when sufficient data is available, this should be clearly documented.

How Should IEP Teams Document Decisions About COVID Recovery Services?

COVID recovery services should be documented in the student's IEP. If the Team determines that it is appropriate to do so, services should be clearly identified as COVID recovery services and include the scope, projected dates, frequency, location and duration of the services to be provided. Given the nature of parental consent in Virginia, in order to ensure that these highly individualized and unique services are reviewed properly considering the circumstances, end dates for COVID recovery services are suggested. If a student requires COVID recovery services past the initial end date, the IEP Team may amend the IEP with changes to the COVID recovery services by extending the end dates for COVID recovery services. IEP Teams should be prepared

to address student needs as educational format changes (e.g., virtual, hybrid, in person) and as the school year progresses.

What Data Should IEP Teams Gather and Review?

Pre-COVID Data

IEP Teams should review student data from pre-COVID closures to establish a baseline and compare skills and performance toward IEP goals. Consider data from before COVID school closures including but not limited to:

- review of the progress on IEP goals, objectives or benchmarks;
- observation and data from teachers, therapists, parents, and others having direct contact with the student;
- screening, assessment or information maintained on the student, including pretest and posttest data; and
- curriculum-based assessment, including pretest and post-test data; and other relevant factors.

COVID-19 School Closure Data

Data from student participation in any post COVID-19 school closure educational offerings should also be considered. This includes student participation in any activities and data from those offerings; including but not limited to:

- observations;
- samples of the student's work;
- behavior logs;
- screenings and assessments; and
- parent interviews/observations.

Gathering New Data

[Recover, Redesign, Restart 2020 A comprehensive plan that moves Virginia Learners and Educators FORWARD](#) (pg. 60) indicates that “assessment is a process of data collection that is ongoing, formative, and low or no-stakes.” IEP Teams should consider the use of a variety of tools ranging from “just-in-time” formative assessment prior to instruction to identify gaps in understanding to local assessments or other assessments that would be useful in evaluating student progress.

Educators should be prepared to gather new data upon students returning to school in whatever format instruction is taking place (virtual, hybrid, or in-person). This includes:

- Does the student require extensive review to demonstrate previously learned skills?
- Does the student demonstrate inconsistencies in performance?
- Does the student demonstrate previously mastered or partially acquired skills present pre-COVID closure?

Teachers may gather data using informal and curriculum-based measures to determine baseline skills. This data will inform instructional planning and is not considered a formal evaluation therefore does not require parental consent. Teachers may also undertake a review of IEP goals and progress to compare to pre-COVID closure data. Educational data from classroom instruction, benchmarks, and curriculum-based learning are all important to consider.

The use of standardized norm referenced measures to determine progress is not recommended. The impact of trauma from COVID closures, disruption in educational programming, and comparison to different age groups within the normative sample make use of standardized norm referenced tests inappropriate to measure progress. If formal standardized testing is undertaken, parental consent would be required.

What Questions Should the IEP Team Consider?

Each IEP Team should consider if COVID recovery services are appropriate, the amount and type of recovery services required to address individual students' needs including:

- additional services to recoup previously learned skills; and
- new services and supports that were not previously provided to assist with successfully re-entering the school environment (e.g., mental health needs or services related to a student's disability to address significant disengagement resulting from the extended school closure).

Not all students with disabilities will need COVID recovery services. Prior to determining the need for and amount of COVID recovery services, each IEP Team should consider data from a variety of sources. This includes data spanning the continuum of pre-COVID to the return to school with a focus on reducing the impact of the school closure and a return to student progress that is appropriate for the student.

IEP Teams should use individual student progress data and data about LEA offerings during COVID closure and upon return to school when considering services. The need for COVID recovery services should be based on whether or not the student continued making progress in the general education curriculum, or alternative course of study specified in their IEP, or toward meeting their individualized IEP goals and/or if any significant regression occurred during the period of school closure.

COVID recovery services should be unique, individualized to the student, and determined by the IEP Team. Educators should carefully document the COVID recovery services provided to students with disabilities and monitor and track individual student progress. COVID recovery services do not need to be a minute for minute replacement for services that were not provided during the building closures. The LEA should not treat COVID recovery services as extended school year services or require that the services be delivered in only one specified manner.

In addition, the need for COVID recovery services should not change the student's least restrictive environment. If a significant amount of services is determined to be necessary for FAPE, the VDOE urges the IEP Team to be creative in providing services on alternative schedules, after school, before school, and during breaks or weekends. COVID recovery services may be provided over an extended period of time and may take a variety of forms. IEP Teams should clearly document the plan for delivering COVID recovery services.

As always, the IEP Team includes the parent, the special education teacher, the general education teacher, the LEA representative, and possibly other service providers (e.g., school psychologist, SLP, OT, PT, LCSW). IEP Teams should carefully document if they are addressing COVID recovery services or a specific request for compensatory services because of an alleged denial of FAPE.

Guiding Questions for IEP Team to Discuss

Based on the Educational Opportunities Offered:

- What was the provision of new learning or continuation of learning during March, April, May, and June 2020?
- Were special education services and supports offered during the closures? Were these services and supports reasonable in light of the circumstances?
- How was core content instruction and specialized instruction delivered to students?
- What is the educational model offered by the LEA?

Based on Individual Student Performance:

- What does the student performance data from prior to school closure in March 2020 indicate? Consider data points including: grades, IEP goals, benchmark assessments, PALS, formative assessments, unit assessments, informal reading inventories, teacher observation.
- How was the student's performance during COVID closure? Report out on student data regarding participation, work completion, grades, IEP goals. Parent input should be considered.
- Did the student require/receive any ESY services during summer?

- How does the student perform after the return to school for the 2020-2021 school year? Consider any local assessment data, classroom performance compared to peers, and rate of learning contextualized to the education model being provided.
- Does the student have any unique social emotional issues that may impact their learning?

Compliance Considerations

Overview of Traditional Compensatory Services

Compensatory educational services are not expressly defined in the IDEA; however, courts [under the authority granted them in 20 U.S.C. § 1415(i)(2)(C)(iii) and 34 C.F.R. § 300.516(c)(3)] have long awarded compensatory educational services as an appropriate remedy under the IDEA when a student has been denied a FAPE. In the present circumstances, the purpose of compensatory educational services is to remedy the LEAs inability to provide a child with a disability with appropriate services during the time that the child is (or was) entitled to a free appropriate public education. Refer to, for example, Letter to Lipsett, OSEP (April 19, 2018) outlining the purpose of a compensatory educational services award. Compensatory educational services are not a contractual remedy, but an equitable remedy. It is designed to ensure the student is appropriately educated within the meaning of the IDEA and as such "[t]here is no obligation to provide day-for-day or minute for minute compensation for time missed." Refer to *Parents of Student W. v. Puyallup Sch. Dist.*, 31 F.3d 1489, 1496-97 (9th Cir.1994).

Differentiating COVID Recovery Services from Traditional Compensatory Services

During COVID school closures, if services needed to ensure FAPE were so complex and, as such, could not be reasonably provided through a virtual learning platform or other alternative means that were available to other students, then the child's IEP Team must determine the extent, if any, what traditional compensatory services will be provided once normal school operations resume.

The determination of traditional compensatory services is based upon the circumstances that resulted in a failure/inability to provide FAPE, to place a student with a disability in the same position had the failure, or inability to provide a FAPE not occurred. If a local school division made educational opportunities available on a voluntary basis for all students and a parent or student chose not to engage this does not equate to a denial of FAPE.

COVID Recovery Services

The IEP Team is responsible for determining the COVID recovery services that are necessary for FAPE. It is important to note that the determination of COVID recovery services is not the result of a dispute, but rather is a collaborative effort of the IEP Team with the acknowledgement that parents have, in many instances, at their sole disposal three months or more of educational data

that they are presenting to an LEA. However, just as with any other IEP Team decision, the determination of necessary COVID recovery services may become the subject of a dispute, and can be resolved through the IDEA's standard dispute resolution mechanisms.

Extended School Year (ESY) services cannot be used in place of COVID recovery services. Specifically, the standard of ESY services is in order for a student to receive FAPE and ESY services are necessary because the benefits a child with a disability gains during the regular school year will be significantly jeopardized if ESY services are not provided. Information on ESY services is available in the VDOE publication [EXTENDED SCHOOL YEAR SERVICES Implementing the Requirements of the *Individuals with Disabilities Education Improvement Act, 2004 and Federal Regulations*](#).

Determination of COVID Recovery Services

An IEP meetings should be convened when requested by parents or when school members of the IEP Team are aware of:

- a lack of expected progress toward the annual goals and in the general curriculum, if appropriate;
- following collection of student data to inform decision making for COVID recovery services;
- the results of any reevaluation conducted, information about the child shared by the parent needs to be addressed; or
- a student's anticipated need for COVID recovery services.

COVID recovery services should be determined by the IEP Team while looking at the totality of the circumstances for each student and determining the amount of service needed to remedy the educational deficits resulting from a failure to provide a FAPE. Because COVID recovery services are an equitable remedy, and given the unique circumstances where parents were largely the sole providers of education during the pandemic and thus have significant data regarding student progress in the final months of the 2019-2020 school year, parental input is key and parent information and concerns must be considered in determining whether or not COVID recovery services are necessary for FAPE, how much service time is needed, and how the services will be delivered. Schools have flexibility and can be creative in fashioning COVID recovery services as they would be for compensatory education awards. Refer to *R.P. ex rel. C.P. v. Prescott Unified Sch. Dist.*, 631 F.3d 1117, 1126 (9th Cir. 2011) (Courts have been "creative in fashioning the amount and type of compensatory education services to award.").

Phased Reopening and COVID Recovery Services

The Commonwealth of Virginia has recommended that school divisions return to school in three phases. The first phase would allow only students with special needs and EL students to return to school. The second phase requires that student's kindergarten through third grade return to

school. The final phase opens schools up to all students while maintaining physical distancing. However, final determination about reopening schools rest with the local school division and approaches will vary throughout the year as public health conditions change. Thus, given this highly unique phased approach in returning to learning, all decisions regarding COVID recovery services will not only be individualized per education but in addition, the health and safety of the students with disabilities and educators must be considered, taking into account the reopening requirements outlined by the LEA.

Documenting COVID Recovery Services in an IEP and on a PWN

Making changes to the IEP requires that the team consider the strengths of the child, the concerns of the parent for enhancing the education of their child, the results of the initial or most recent evaluation of the child, and the academic developmental, and functional needs of the child. Determinations for COVID recovery services must comply with the same standards. Documenting the parent's concerns for student's education in detail is critical, as it will form a significant basis for the present levels of performance and the student's needs for COVID recovery services given that the parent has more than likely been the main purveyor of instruction over the last six months.

As noted in the "[How Should IEP Teams Document Decisions About COVID Recovery Services?](#)" section of this document (pg. 10), COVID recovery services can be limited in time and scope and therefore, as always, the student's progress should be closely monitored and data should be collected in the manner in which it is identified in the IEP.

Once any changes have been made to the IEP, the Team must issue prior written notice (PWN) to the parent. The substance of the PWN requires description of the action proposed or refused by the local educational agency; an explanation of why the local educational agency proposes or refuses to take the action; a description of any other options the IEP Team considered and the reasons for the rejection of those options; a description of each evaluation procedure, assessment, record, or report the local educational agency used as a basis for the proposed or refused action; and a description of any other factors that are relevant to the local educational agency's (LEA) proposal or refusal.

A thoroughly drafted PWN is key to supporting the team's decision regarding recovery services. Clear descriptions regarding the student's current performance, how recovery services are necessary or unnecessary for FAPE in light of the lapse in services caused by COVID-19. The IEP Team should clearly identify the rationale behind awarding or declining the specified recovery services offered by the LEA. It would also be helpful if the PWN contained a timeline for when the request for recovery services was made and the LEA's actions taken upon request.

In the event that a parent believes that the LEA has failed to comply with special education laws and regulations when making determinations about recovery services or in the delivery of recovery services, the parent retains its procedural safeguards rights. All dispute resolution processes are available to the parent.

Resources

Academic Resources

- [Responsive Lesson Planning Template](#)
- [Sample Data Analysis Matrix Template - CCPS](#)
- [Virtual Progress Monitoring](#) (Educating All Learners Resource Library-
www.marshall.org Marshall Street is a division of Summit Public Schools, CA)
- [IEP Progress Reporting-Distance Learning](#) (Educating All Learners-University of Kansas)
- [Five Formative Assessment Strategies to Improve Distance Learning Outcomes for Students with Disabilities \(NCEO Brief #20\)](#)
- [VDOE English and Reading](#)
- [VDOE History and Social Science](#)
- [VDOE Mathematics](#)
- [VDOE Science](#)
- [Virginia Kindergarten Readiness Program](#)
- [Sample Mathematics Pre-assessment Vertical Articulation Guide \(K-Algebra I\) - Hampton City Public Schools](#)
- [Sample Mathematics SPBQ Report - Hampton City Public Schools](#)
- [Virtual Learning for Students with Significant Disabilities](#)

Behavior and Social-Emotional Resources

- [Helping Traumatized Children Learn](#) and The Impacts of Trauma on Learning, Part 1: Academic Performance (video on same page)
- [CASEL CARES: SEL Resource During COVID-19](#)
- [Center on the Social and Emotional Foundations for Early Learning](#)
- [National Center on Pyramid Model Innovations-Resources to Address Stress and Challenging Behaviors in Young Children](#)
- [The Bele Framework Executive Summary Building Equitable Learning Environments in This Period of Crisis - Covid-19 and Systemic Racism - To Restore Our Collective Future](#)
- [Spotsylvania County Public Schools FBA/BIP Work Book \(PDF\)](#)

- [Guidelines for Conducting Functional Behavioral Assessment and Developing Positive Behavior Intervention and Supports/Strategies](#)

Resources for Administrators

- [EXTENDED SCHOOL YEAR SERVICES Implementing the Requirements of the Individuals with Disabilities Education Improvement Act, 2004 and Federal Regulations](#)
- [The COVID-19 slide: What summer learning loss can tell us about the potential impact of school closures on student academic achievement](#)
- [Kick-start fall planning: 4 principles for instructional leaders](#) (NWEA)
- [From Response to Reopening: State Efforts to Elevate Social and Emotional Learning During the Pandemic](#) (CASEL) report with six priorities for school administrators
- [National Center on Intensive Intervention \(NCII\) Academic Progress Monitoring Tools Chart](#) This tools chart presents information about academic progress monitoring tools. It includes ratings on the technical rigor of the tools based on: Performance Level Standards; Growth Standards; and Usability.
- [NCII Behavior Progress Monitoring Tools Chart](#) This tools chart presents information about behavior progress monitoring tools. It includes ratings on the technical rigor of the tools based on: Performance Level Standards; Growth Standards; and Usability.