



OSEPS VIRTUAL COLLABORATIVE LEARNING TEAM MEETING

September 25, 2020



BIRTHDAY CELEBRATIONS

September:

- Dawn Azennar, 9/1
- Peggy Moore, 9/1
- Jennifer Smetek, 9/12
- Tracy Price, 9/14
- Kathy Murphy, 9/18
- Kelly O'Connell, 9/20

Wishing you a Happy Birthday
from a social distance



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- 
- **Welcome back Kathy**
 - **Welcome back Brad**
 - **Farewell to Marie**
 - **STR Updates**
 - **Adjusted Schedules and Attendance**
 - **School Board Meeting Debrief**

In-Person Cohort Plan: Draft

GROUP 1	GROUP 2
Early October <ul style="list-style-type: none"> • 4 locations • 5 teachers • 62 students • <1% of all FCPS students & teachers 	Mid-October <ul style="list-style-type: none"> • 127 schools • 178 teachers • 1,734 students • 1% cumulative total of all FCPS students & teachers
Select high school CTE courses (1-2 days/week)	Preschool Autism (4 full days/week) and Preschool Class-based students (4 half days/week) Select high school CTE courses (1-2 sessions/week)

In-Person Cohort Plan: Draft

GROUP 3	GROUP 4
Mid-Late October <ul style="list-style-type: none"> All schools 350 teachers 3,922 students 3% cumulative total of all FCPS students & teachers (+ additional ELs identified by need using MTSS process) 	Late October <ul style="list-style-type: none"> 18 schools 63 teachers 989 students 3.5% cumulative total of all FCPS students & teachers
<p>Key Center and Kilmer Center students (4 full days/week)</p> <p>Secondary and Elementary students that access the Adapted Curriculum (4 full days/week)</p> <p>Elementary Comprehensive Services Sites (CSS) students (4 full days/week)</p> <p>EL SLIFE in grades 3-12 (Monday AM)</p> <p>English Learner Newcomers (entered US schools after 7/1/2019) (Monday AM)</p> <p>Select high school courses that require specialized equipment (1-2 days/week)</p>	<p>Burke School (elementary students only) (4 full days/week)</p> <p>Select high school courses that benefit strongly from in-person hands-on experiences (1-2 days/week)</p>



AGENDA

- **Assessment Website and Grading Calendar**
- **VAVA and Virtual Virginia**
- **Systemic Complaint**
- **Face Covering Regulation**
- **PWN**
- **Recovery Services**



ASSESSMENT WEBSITE AND GRADING CALENDAR



ASSESSMENT AND GRADING GOOGLE SITE

Background

- Assessment Working Group comprised of principals, assessment coaches, central office stakeholders
- Wide ranging scope of “deliverables” and tasks
- GOAL: develop an easy-to-access repository of resources that are live and continuously updated as new information becomes available
- Site connects within the Return to School Curriculum hub and within elementary and secondary Teaching Considerations

Assessment and Grading Google Site

Planning and Logistics: Testing expectations, testing calendars, resources to support administration and safety protocols

Grading and Reporting: Elementary and Secondary resources

Professional Learning and Support: PD opportunities, modules/resources to support high-quality assessment in a virtual environment


Assessment Details by Level: Changes to expectations/available resources in SY20-21 by grade level band/content

Questions? Noticings?


- How might we ensure that considerations for students with disabilities are appropriately embedded in our resources?
- How might we support communication with teachers/school staff
- Work will continue with DSS liaisons to review/edit existing resources to ensure accuracy/alignment, and explore the need for additional resources
- Thoughts or Suggestions– reach out to [Allison](#) or [Dawn](#)



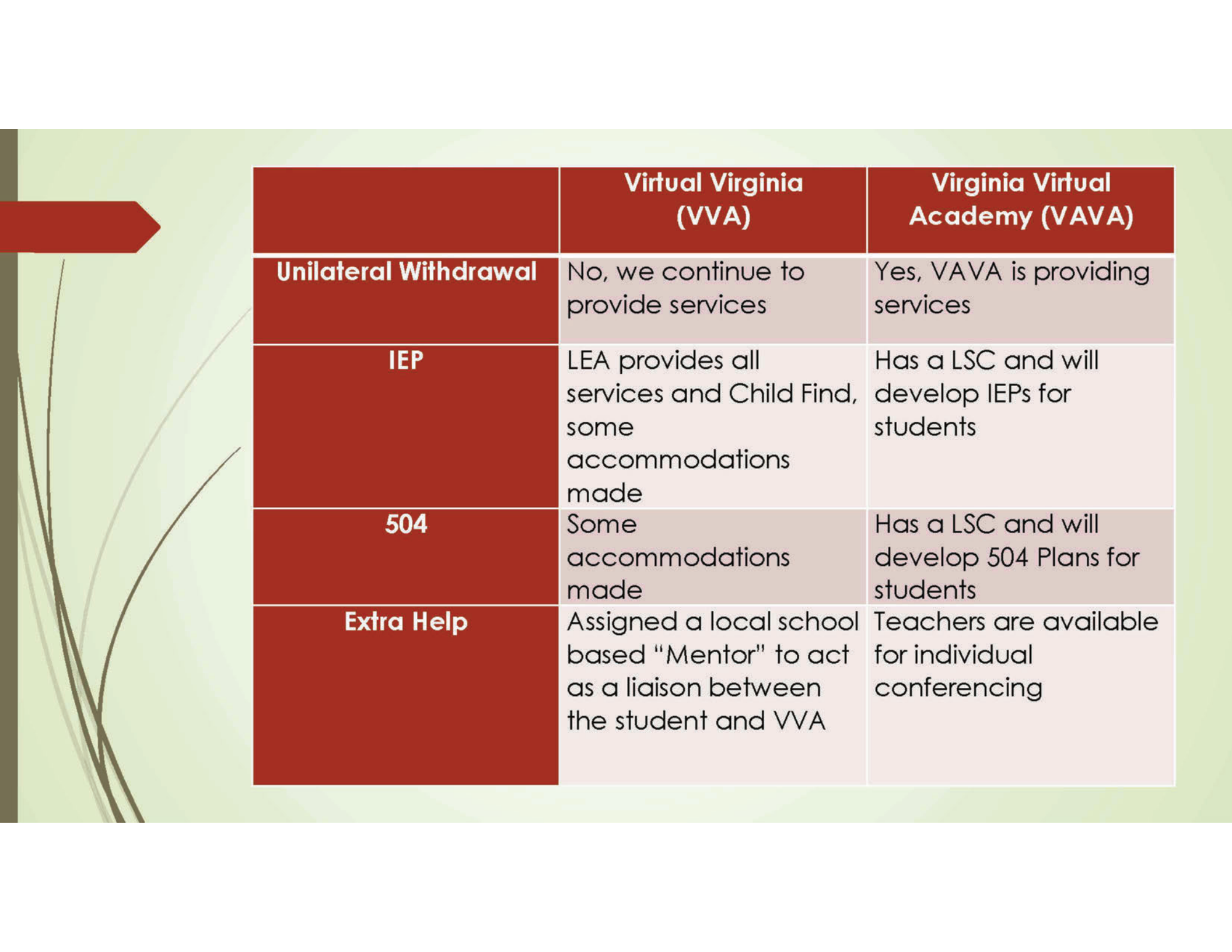
VAVA AND VIRTUAL VIRGINIA



	Virtual Virginia (VVA)	Virginia Virtual Academy (VAVA)
Location	Richmond, VA	Herndon, VA
Grades	6-12	K-12
School Year	Two starting points: mid-August or Early September until June	September - June
Cost	Free for students enrolled in a public school. Private and home school students must pay \$375 per course	Free
Enrollment Requirements	Public school enrolls student, or parent enroll their private/homeschool student(s)	Enrollment contingent upon student's GPA and class credits from previous year/school



	Virtual Virginia (VVA)	Virginia Virtual Academy (VAVA)
Curriculum	Curriculum team develops content on a 5-year cycle, and minor revisions are made as needed yearly to meet state and national standards	Based on the curriculum of King and Queen County Public Schools, the Patrick County Public Schools and the Richmond City Public Schools
Self-Pacing	No	Only for K-8
Advanced Academics	AP classes available	Regular and honors level available in core classes
Electives	6 World languages and some electives (PE, Computer science, psychology & fine arts)	2 World languages and some electives (PE, Music & art for K-8, multiple choices for HS)
School/Class Materials	Parents must obtain	Provided by VAVA
Teachers	Highly qualified, Virginia-licensed teachers with experience in distance learning	Highly qualified, Virginia-licensed teachers work with students to guide and track their progress and achievement through the curriculum
Testing	Tests and exams are proctored by mentors at LEA	SOLs Administered



	Virtual Virginia (VVA)	Virginia Virtual Academy (VAVA)
Unilateral Withdrawal	No, we continue to provide services	Yes, VAVA is providing services
IEP	LEA provides all services and Child Find, some accommodations made	Has a LSC and will develop IEPs for students
504	Some accommodations made	Has a LSC and will develop 504 Plans for students
Extra Help	Assigned a local school based "Mentor" to act as a liaison between the student and VVA	Teachers are available for individual conferencing



SYSTEMIC STATE COMPLAINT

Systemic State Complaint

- A Notice of Complaint was issued on May 18, 2020 by VDOE
- The complaint was filed by 5 parents on behalf of six students
- One issue was identified by VDOE with multiple parts:
 - Individualized Education Program (IEP)—Implementation.
 - Individualized Education Program (IEP)—Development, Review, and Revision.
 - Procedural Safeguards—Prior Written Notice (PWN).

More specifically...

- LEA “is required to implement Students’ IEPs in order to meet its legal obligation to provide Students a free appropriate public education...but are [sic] failing to do so in violation of federal and state laws”
- In the context of the closure of all public schools due to the COVID-19 pandemic,⁷ LEA’s “blanket refusal to attempt to implement IEPs equate [sic] to ... denial of FAPE and violation of IDEA”

More specifically...

- LEA “has not attempted to implement IEPs to the ‘greatest extent possible’”;
 - “The TLPs [Temporary Learning Plans] issued by [LEA], [sic] state that IEPs won’t be in effect until schools reopen and in themselves indicate [LEA] is coming up with plans that are void of efforts to implement IEPs to ‘best extent possible’”
- LEA has “implemented TLPs without receiving parent consent” and “absent a revision to the IEP”; and LEA “has not provided PWNs explaining their [sic] decisions to deny Student’s [sic] full implementation of their [sic] IEPs and full access to FAPE”;

More specifically...

- “Although VDOE and [LEA] have stated that IEPs [sic] had not proposed an IEP or IEP addendum, [LEA] has inserted Temporary Learning Plans...into the development of annual IEPs without first receiving parental input, and [LEA] is asking these TLPs be approved, without first discussing the TLPs and without ‘proposing’ a final IEP,”

And finally...

- LEA has developed Temporary Learning Plans that:
 - demonstrate “large gaps” from Students’ IEPs; and
 - fail to incorporate “[e]videnced[-]based practices ... that align with a distance learning placement as well as being individualized.”

Letter of Findings (LOF)

- FCPS was found in compliance on all issues
- VDOE noted:
 - We find these assertions without merit. At no time were school divisions required—or expected—to duplicate a regular school day in hours or content during the extended statewide closure
 - Stated another way, when schools are closed and no **educational services** are provided to “students in the general population...neither the child with an IEP nor the child with a [Section] 504 plan is entitled to FAPE.” When schools are closed but undertake to provide **educational opportunities**, the focus shifts to **equal access** to those services under Section 504 of the Rehabilitation Act of 1973 and the ADA, “including the provision of FAPE.”

LOF

- This guidance suggests that “[a]s an overall matter... FAPE in these circumstances allows for flexibility both substantively and procedurally rather than being an all-or-nothing approach.”
- Finally, we also note that flexibility and reasonableness are also warranted, given the practical impossibilities imposed by mandated school closures. In examining FAPE responsibility during the extended closure period, we note the contractual concept of “force majeure.” Although an IEP is not a “contract” by legal definition, the concept of “force majeure” is instructive by analogy. In essence, a force majeure clause is designed “to protect the parties in the event that a part of the contract cannot be performed due to causes which are outside the control of the parties and could not be avoided by exercise of due care.” It is not insignificant that LEA’s IEP software template contains the following standardized language:

** FCPS will provide services on days that school is in session and will not provide or compensate for services missed on days when schools are closed due to holidays, inclement weather, or for reduced services that are the result of a partial day schedule.

LOF

- In its response, LEA asserted that neither federal nor state law required it to implement IEPs fully during the 2019-2020 school closure. LEA correctly noted that “[f]undamentally, students’ IEPs are predicated on the assumption that schools will be open for the full school day to deliver the services prescribed in those IEPs. Neither IDEA nor the Virginia special education regulations specifically address a situation in which elementary and secondary schools are closed for an extended period of time because of exceptional circumstances, such as a pandemic.”

LOF

- The weight of the record indicates LEA's voluntary, ungraded distance learning initiative is consistent with the "positive proactive strategies" outlined in VDOE's FAQ materials:

*If a division has extended school closures, ... school divisions should consider options and ideas to **engage students in reading, thinking and learning**. Creating such opportunities should be done with careful consideration of providing equitable access and support for a variety of students. Due to the waivers that are likely to be granted for school closures related to COVID-19, schools should not consider these strategies for continuity of learning as make-up days or hours. **Positive proactive strategies to continue engagement in learning are not a form of instruction/instructional day and thus would not require school divisions to offer FAPE**. If a school division does begin to offer instructional services by alternative means[,] the division will remain responsible for the free appropriate public education (FAPE) of its students eligible for special education services with an individualized education program (IEP)[emphases added].*

LOF

- One may reasonably conclude that, given US ED's explanation and OCR precedent,⁶¹ school divisions that elect to provide **voluntary "educational opportunities"** must also provide those "special education services and supports that are necessary for an equal opportunity for participation.
- Accordingly, because LEA's initiation of a voluntary distance learning for all students triggered its obligation to provide equal access to those distance learning opportunities for students with disabilities, rather than full IEP implementation, we find Complainant/Parent's allegations with regard to a "blanket refusal" to implement IEPs without merit.

Conclusions

- To the extent Complainant/Parent alleges that LEA failed to implement IEPs “to the greatest extent possible,” we find that LEA’s voluntary distance learning initiative was reasonably based on federal and state guidance providing flexibility to school divisions during the extended closure period.
 - In reaching our finding on this Subissue, we construe this undefined “standard”—for which there is no binding statutory, regulatory, or judicial authority or interpretation—broadly. To do otherwise would fail to acknowledge the practical challenges inherent in swiftly shifting to distance learning in a global pandemic. As we have noted above, the statewide school closure rendered the implementation of many—if not most—IEP services impossible.
 - Further, viewed through the lens of *Endrew F.*, any FAPE responsibility during the statewide school closure must address what is “*reasonably calculated* to enable [the] child to make progress appropriate *in light of the child’s circumstances* [italics in original].” One might well conclude that the “circumstances” of all Virginia students—whether in general or special education—changed dramatically upon the statewide closure of all public schools and prohibition of in-person instruction in March 2020.
 - Accordingly, absent any binding legal authority regarding what constitutes the “greatest extent possible,” we rely on a standard of reasonableness in light of *Endrew F.*

Conclusions

- Finally, we also find Complainant/Parent's assertion that LEA was required to provide prior written notice "explaining their [sic] decisions to deny Student's [sic] full implementation of their [sic] IEPs and full access to FAPE" without merit.
 - LEA's distance learning initiative did not constitute a proposed systemic change in placement or in the delivery of FAPE for its students with disabilities. Rather, a government-ordered closure of schools prohibited LEA from implementing IEPs as written—or providing educational services to any students as would be contemplated under "normal" circumstances

Conclusions: “Gaps” between TLPs and IEPs

- As we indicated in Subissue 1A, **participation in voluntary educational opportunities does not require full IEP implementation.** Rather, school divisions were to provide supports and services “not because they were specified in the IEP, but because they were necessary for an equal opportunity for participation in the voluntary services” that LEA has elected to provide during the extended school closure.
- Accordingly, we find any claims that TLPs demonstrated “large gaps” from student IEPs on an individual or systemic basis are without merit within the context of IDEA and IEP implementation. LEA’s voluntary “educational opportunities” did not dictate “appropriateness” of learning plans under IDEA. As school divisions across the Commonwealth re-open for all students in Fall 2020, determinations may be made regarding recovery and recoupment for all students.

Conclusions: LEA's Temporary Learning Plans (TLP) Generally

- The weight of the record indicates that LEA's TLPs did not constitute IEP "addenda"; these temporary plans did not serve to amend student IEPs. **Accordingly, neither prior written notice nor parental consent to these TLPs was required for their implementation.**
- Simply stated, we find **LEA's TLPs did not constitute IEP addenda**; accordingly, any regulatory requirements governing (i) IEP development, review, and revision; and (ii) parental consent were not applicable to their development and implementation, respectively. Thus, we find Complainant/Parent's allegations regarding these matters without merit.

BREAK

*Work Group Sign
Up – Coming Soon!*



10:00



FACE COVERING REGULATION

REGULATION 2109E

- FCPS has adopted the position that all students, staff, and visitors wear a face covering while on school property (Reg. 2109e)
- All students 2 years of age and older must wear a face covering

EXCEPTIONS

- There are some exceptions (see reg for more specifics):
 - When eating and/or drinking
 - When exercising under the supervision of school staff
 - When a student's health condition, communication impairment, or disability requires that the face mask be removed for a portion of the instruction
 - When a written statement from a physician has been submitted to the administration

EXCEPTIONS CONTINUED

- When a student has been exempted from wearing a face covering following a medical note, it will be recorded in SIS (information will be shared with transportation)
- A guidance document is being developed regarding what to do when students refuse to wear a face covering



PRIOR WRITTEN NOTICE

A close-up photograph of a person's hands writing on a document. The person is holding a white marker in their right hand and has their left hand resting on the paper. The document contains some text, but it is out of focus. A blue banner with white text is overlaid on the image.

Prior Written Notice (PWN): Why it is so important!

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PWN and SEA-STARS Logistics

- Help admins and teachers understand meaning behind “prior”
 - IDEA meant this to be prior to implementation of proposal or refusal
- Can have someone draft DURING meeting on word document
- Do not complete PWN ahead of meeting
- Complex cases could require an additional PWN after meeting

PWN and SEA-STARs Logistics

- PSLs and DPE may use button to allow blank PWN
- Should still include in the proposal box that “A complete prior written notice about the proposed IEP will be completed and sent to the parent separate from this IEP.”
- Do not go back later to enter the draft IEP after meeting, instead, use stand alone PWN format.
- Looking to move the tab behind consent in SEA STARS

PWN and Parent Understandings

- Explain that PWN is the purview of FCPS and not editable by parent
- Help teachers with meeting management to include turning off cameras or removing screen sharing while the PWN is being completed
- PWN is required to be provided by school to document why we proposed or refused an IEP (and other things)
- PWN is how we justify decisions
- Important schools have clear justifications for refusals especially




RECOVERY SERVICES



What are Recovery Services?

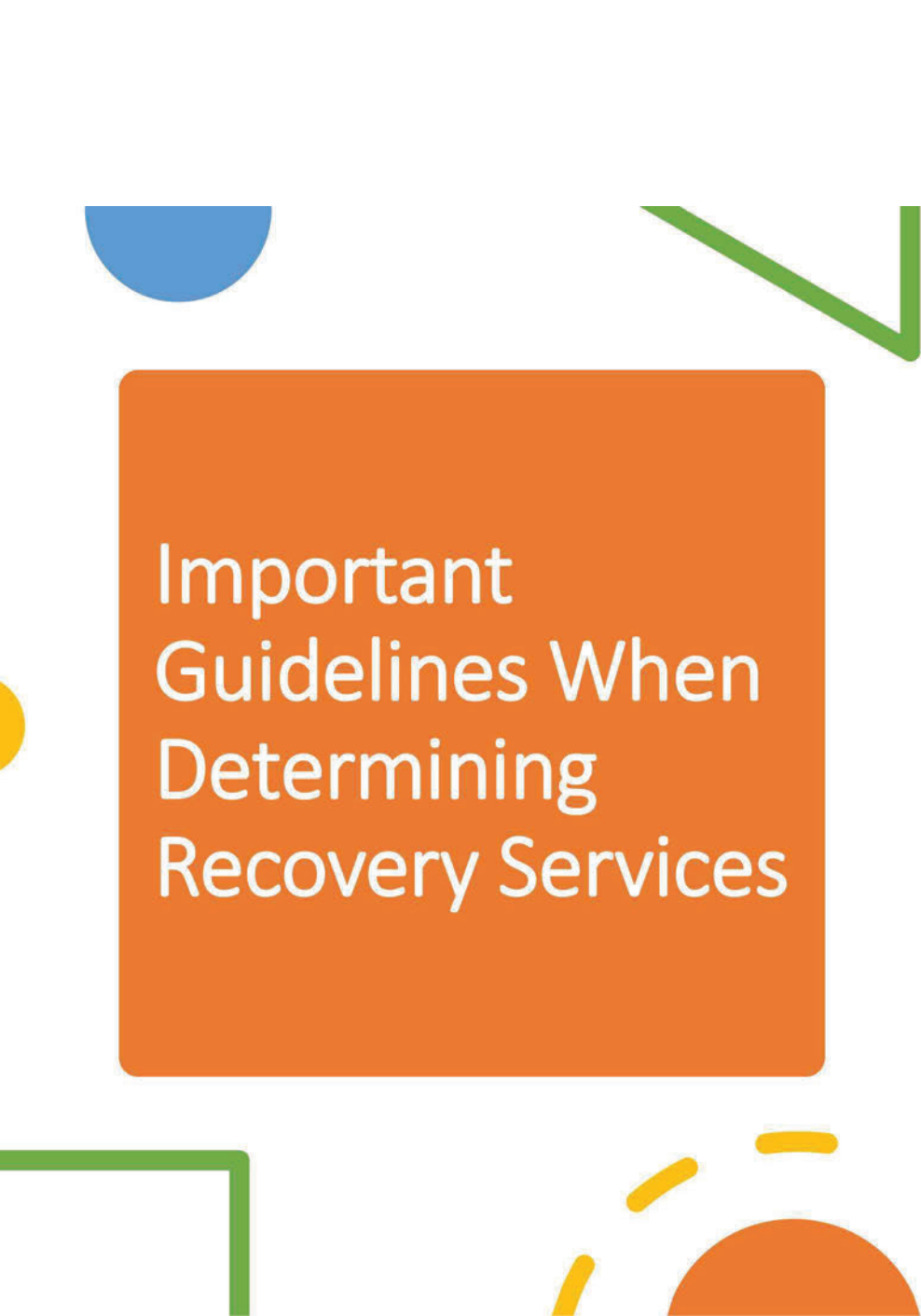
- Additional, temporary services required for a student to regain lost skills and fill in gaps where expected progress was not evident
- Consider for any student whose teacher(s) or parent(s) believes the student requires recovery services
- Not all students with disabilities will require COVID-19 recovery 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.



Recovery
Services



Important Guidelines When Determining Recovery Services

- **Recovery services should not change the student's least restrictive environment.**
- Recovery services may be provided over an extended period of time.
- Recovery services are not a “minute for minute” replacement of services not provided during school closure.
- Recovery services are data driven and may not be required for all students with disabilities.
- Parent participation and input in the decision making progress is critical.

Compare Recovery and Compensatory Services

Covid-19 Recovery

- Additional services offered due to severe regression, or
- Lack of progress in general curriculum as compared to peers, or
- Lack of progress in meeting IEP goals as expected during the IEP year
- Not minute for minute

Compensatory

- A remedy under IDEA when a student has been denied FAPE.
- Awarded due to the failure/inability by FCPS to provide FAPE/implement the IEP.
- The purpose is to put the child in the same position he or she would have been if FAPE had not been denied.
- Not minute for minute



What to
consider if
parent makes a
request for
COVID recovery
services now ?

- Acknowledge receipt of the parent's request
 - Discuss that meeting should be held after instruction and data gathering
 - Schedule the meeting for the expected date when team will have necessary data and send IEP invitation now
 - Hold an IEP meeting as soon as possible to hear the parent's request and consider the data
 - Complete a standalone PWN if you refuse altogether to hold an IEP meeting

Questions



Phase-in Timeline

DRAFT

A	B	C	D	E	F
As of 9/24	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
GROUP 1 (week of 10/5)	Firefighting, LPN, Construction, Student Auto Sales (1-2 sessions per week; varies by school)				
GROUP 2 (week of 10/12)		Preschool Autism and Preschool Class-based students (4 full days per week)			
		EMT, Intro to Nursing, Carpentry, Cosmetology (1-2 sessions per week; varies by school)			
GROUP 3 (week of 10/19)		Key Center and Kilmer Center Adapted Curriculum: Enhanced Autism Classrooms (EAC), K-12 Intellectual Disabilities (ID), K-12 Intellectual Disabilities Severe (IDS), Noncategorical Elementary (NCE) students accessing curriculum in a special education setting, Elementary Comprehensive Services Sites (E-CSS) (4 full days per week)			
	EL SLIFE & Newcomers (grs 3-12, ELP 1, Arrived in US after 6/30/19) (Monday AM)				
		911 Dispatch, Dental Careers, Medical Assistant, Patient Care Technician, Pharmacy Tech, PT/OT, Veterinary Sciences, Engineering Systems, Robotics, Auto Collision, Auto Technology, Electrical Engineering, HVAC (1-2 sessions per week; varies by school)			
GROUP 4 (week of 10/26)		Burke Elementary School (4 full days per week)			
		Culinary, Cyber Comp Tech, Dance, Early Childhood, MCT, Musical Theater, Professional Photo, BioTech, Exploring Health Sciences, Global STEM, Criminal Justice, TV Media, JROTC, Fashion Careers (1-2 sessions per week; varies by school)			
GROUP 5 (week of 11/2)		Early Head Start, PreK, and Kindergarten (2 full days per week)			
		EL SLIFE & Newcomers (grs 3-12) (2 full days per week)			
GROUP 6 (week of 11/16)		Grades 1-2 (2 full days per week)			
GROUP 7 (week of 11/30)		Grades 3-6 (2 full days per week)			
GROUP 8 (start of second semester)		Grades 7-12 (2 full days per week)			

Special Education - Operational Level II Phase-in Programs

Group	Phase Category	Programs
Group 2	Preschool Autism Class (PAC) Preschool Class-based	Preschool Autism Class (PAC) Preschool Class-based
Group 3	Key Center Kilmer Center Adapted Curriculum K-12* Elementary Comprehensive Services Sites (E-CSS)	Key Center Kilmer Center Enhanced Autism Classroom (EAC) Intellectual Disabilities (ID) K-12 Classrooms Intellectual Disabilities - Severe (IDS) K-12 Classrooms Non-Categorical Elementary (NCE) Support Cat B Classrooms Elementary Comprehensive Services Sites (E-CSS)
Group 4	Burke School - Elementary School Only	Burke School - Elementary School Only

*See the [Special Education - Level II Phase-in Student and Program Profile](#) for additional details regarding students returning in Group 3.

Step 3: Staffing & Scheduling Support

- Phase-in Planning Session with Principals & DSS - Tuesday, 9/29 1:30-3:00
 - Planning tools and resources
 - Level specific support
- Office Hours/Coaching Sessions in October - links and times below

	Elementary	Secondary
ESOL	Thursdays, 8:00 - 9:00 am https://us.bbcollab.com/guest/691c7f3bf02e4c9f96010fcd332f8a18	Thursdays, 1:00 - 2:00 pm https://us.bbcollab.com/guest/e9e21c77fb08404f8d6a6ca4185a713b
SPED	ECCB/PAC : Tuesdays, 1:00-2:00 p.m. Enhanced Autism : Wednesdays, 11:00 a.m.-12:00 p.m. Adapted Curriculum/Cat B : Thursdays, 10:00-11:00 a.m.	Adapted Curriculum/Category B : Thursdays, 11:00 a.m.-12:00 p.m.
HS Specialized Programs		Thursdays, 9:30 - 10:30 a.m. https://us.bbcollab.com/guest/0b8320d9e3bc413a9c404d7509d9b746