

COVID-19 Special Education Frequently Asked Questions for Families 4/30/20

The following questions are **updates** to the last FAQ from 04/13/20.

1. What is the TLP and how do we address the FAPE standard?

The Temporary Learning Plan is a one page, letter format that documents the selected goals, accommodations and service that will be provided to a student with a disability (IEP) to ensure continuity of learning during school closure and distance learning. FCPS understands the concerns of parents with respect to providing FAPE for students with disabilities when instruction is provided to all students. What constitutes FAPE will necessarily look different in light of the current pandemic and the closure of schools, and parents can be assured that FCPS will make educational opportunities to all students, including students with disabilities, and will be doing its best to provide FAPE within the constraints of distance learning. Regardless of the challenges we face, FCPS will strive to support all our learners within the distance format. FCPS staff are here to work with parents and to make the best out of this unprecedented situation.

2. What if I am not in agreement with the TLP?

If parents are in disagreement or have concerns with the TLP, they may contact the student's case manager or Procedural Support Liaison to discuss next steps or request an IEP meeting.

A parent may elect to not provide a signature on the TLP. School staff should attempt to problem solve with parents to resolve their concern. This may be by having an administrator, chair, or PSL in on a conversation. If that is not successful, an IEP meeting with relevant members of the team should be suggested.

3. What service will my child receive while we wait for a meeting?

The TLP services will still be offered and delivered, unless the parent chooses to opt out of instruction.

4. Is FCPS asking me to waive my child's rights through the TLP?

No, the agreement with the provision of the services on a TLP are not a waiver of special education rights. It is a good faith agreement between school and parents about what can reasonably and creatively be provided in the distance learning format.

5. Is the TLP a “waiver” of special education rights?

The TLP is not an IEP and it is not a waiver of rights under IDEA. Your child’s IEP will be implemented when we resume school. The TLP is not a trap that removes any future entitlements.

6. Can special education students participate in small group instruction virtually and what about confidentiality?

Yes, special education students can participate in small group instruction virtually. Special education teachers, and related service providers as appropriate, can provide small group instruction to students with disabilities. The Virginia Department of Education recently released guidance related to considerations for students with disabilities who are participating in virtual and online educational settings. While Blackboard Collaborate and Google Meet are permitted for use under the Family Educational Rights and Privacy Act (FERPA, found at 20 U.S.C. 1232g; 34 C.F.R. Part 99), the existing federal and state laws for the protection of a student’s personally identifiable information (PII) and education records still apply. DSS developed a confidentiality notice for parents of students with disabilities and it was updated for dissemination on 4/24/20. It notifies parents that their child’s first and last name may be visible during online learning. Case managers and related services providers should share the new and revised notice with families when planning for small group lessons or sessions. Parent consent is not required. If parents are not comfortable with their child participating in a Blackboard Collaborate or Google Meet session, they need to contact their child’s special education case manager or related service provider to review other options of program delivery.

Here is the form from the public webpage:

<https://www.fcps.edu/sites/default/files/media/pdf/DLPConfidentialityNoticeBlackboardGoogle.pdf>

7. What should parents do if they believe their child requires compensatory services?

Compensatory services are provided to remediate the failure to offer FAPE, as outlined in the student’s IEP. This should be determined and provided on a case-by-case basis, as determined by the child’s IEP Team. The IEP Team should evaluate and discuss the effect of the extended school closure on the student’s progress toward their IEP goals. Compensatory services would be determined after normal school operations resume. Case managers should collaborate with their PSL on this discussion case by case. Compensatory services are not automatically required.