

A Successful Launch of the 2020-2021 School Year for Students with Disabilities

A brief from the National Association of State Directors of Special Education (NASDSE)

In March 2020, schools across the country closed their doors in response to the COVID-19 pandemic and quickly developed distance learning plans to provide educational continuity services for all students. Access to the general education curriculum changed for all students, and schools were required to provide special education and related services to the greatest extent possible in light of these circumstances. While the circumstances for every state, school system, school, and student are vastly different, one thing holds true across all states and territories- leaders from every level of the system must work together to ensure all individualized education program (IEP) teams have structures in place for reviewing individual student needs and providing special education and related services at the restart of a new school year.

State directors of special education play a critical role in ensuring that local school systems have a clear understanding of their obligations to provide special education and related services during the height of the pandemic and the months following. It is important to note that a free appropriate public education (FAPE), as a result of COVID-19 school building closures, looks different in each local circumstance and will require local guidance based on the educational continuity services provided in each unique circumstance.

This brief provides strategies for state directors of special education to consider as they continue to guide their state towards a successful start of the upcoming school year and offers clarification on the various types of service delivery models that have occurred and/or may continue to be part of discussions across the country throughout the COVID-19 pandemic.

Planning for the 2020-2021 School Year

Throughout the COVID-19 pandemic, the continuum of school closures has ranged from completely closed school systems to completely open schools with many examples of education continuity service delivery in between. State and local special education directors have spent countless hours innovating and proving that unforeseen circumstances and school building closures do not prohibit students with disabilities from receiving a FAPE. Despite these efforts, it must be acknowledged that due to health and safety restrictions, some students were not able to fully access all needed special education and related services in order to make adequate progress on IEP goals.

The unprecedented COVID-19 situation means IEP teams across the country are beginning the 2020-2021 school year with an unprecedented task of re-identifying the individualized needs of each student with a disability.

<i>State Education Agencies should.....</i>	<i>.... so Local School Systems can.....</i>
Establish clear communication structures to share policy, health, and safety updates throughout the state	Determine appropriate implementation based on local circumstances
Develop clear guidance on FAPE considerations and the critical connections among recovery services, education continuity services, and IEP services	Make appropriate planning decisions based on individual student needs and circumstances
Provide clear guidance on the various funding streams available for assessing the needs of students with disabilities and developing plans as a result of individual circumstances	Use innovative staffing structures to support local review, planning, and implementation needs
Facilitate routine discussions about collecting, monitoring, and responding to data that ensure the principal foundations of IDEA are not lost as we find new ways of serving students with disabilities	Provide responsive and appropriate services to students with disabilities based on their individual circumstances and needs

Educational Continuity Services

Educational continuity services, or any other state or local term used, are educational services offered to all students by local school systems through various distance learning and/or hybrid delivery strategies during COVID-19 school building closures. When implementing educational continuity services, local school systems must ensure students with disabilities are provided with appropriate access to the educational services provided to all students (i.e., general education standards). While students with disabilities must have equitable access to the general education curriculum, educational continuity services may or may not be equivalent to the services as described in the student’s IEP. Schools may use a temporary distance learning plan to clearly articulate the provision of special education and related services in light of these circumstances.

Recovery Services

Recovery services, or any other state or local term used, are educational services offered to all students as a result of missed or disrupted services during the COVID-19 school building closures. The overarching purpose of recovery services is to ensure a successful restart despite the challenges of school closures. These educational services will vary tremendously based on the unique circumstances of every state, school system, and school but in general should be premised on the idea that all students will need new baseline data and additional educational support to address any unfinished learning and ensure a successful start to the 2020-2021 school year. When considering plans for recovery services, state and local school systems should implement tiered supports to address the needs of all students, targeted groups of students, and individualized student needs.

IEP Services and Supports

Schools will need to convene IEP teams to collaborate with families and students to assess individual needs, progress, and/or loss of skills and ultimately determine if the IEPs should be amended to reflect appropriate changes to services and supports. The sudden and unexpected shift to educational continuity services through distance learning structures at the end of the 2019-2020 school year may have impacted some of the special education and related services provided to students with disabilities and, as a result, may require an amendment to the IEP to ensure the student continues to access the general education curriculum and receives FAPE.

As part of the IEP process, IEP teams are required to make annual decisions regarding extended school year (ESY) services. It is important to note that the purpose of an ESY is to ensure that the student with a disability who might regress otherwise receives a FAPE. IEP Teams will need to address the individual student present levels and may need to consider specific goals and services that would be appropriate for ESY.

Compensatory Education

[The United States Department of Education's \(USED\) COVID-19 related guidance](#) describes specific instances in which schools must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost during COVID-19 school closures. Historically, compensatory services serve as a remedy needed to account for the loss, regression, or failure to make progress of skills as a result of a denial of FAPE for an individual student with disabilities on behalf of the school and/or school system, and as supported in regulatory guidance, the determination of compensatory services is made to address noncompliance through the dispute resolution process (e.g., mediation, state complaint, or due process hearing).

There is no regulatory requirement that requires or addresses the determination of the need for compensatory services by an IEP team, nor it is prohibited. In this unique situation, USED's guidance encourages IEP teams to make determinations about whether and to what extent compensatory services may be needed.

As such, the IEP team's primary focus should remain on authentic engagement of families and students to achieve outcomes such as reviewing present levels of performance (pre-COVID and post-COVID), examining student progress on IEP goals, and reviewing, revising, adding, and/or increasing special education and related services and supports to ensure that each student has meaningful benefit.

Conclusion

As state and local education leaders look ahead to the 2020-2021 school year, and all the unknowns it may bring, it is important that leaders stay focused on creating a nimble and adaptable process for assessing the needs of all students with disabilities and reviewing and revising the special education and related services and supports to ensure a successful start to the coming 2020-21 school year. State directors of special education play a critical role in leading their state agencies and local school systems through this planning and supporting IEP teams to meet the needs of students with disabilities. NASDSE is committed to supporting its members with building cohesive structures that ensure all students with disabilities have their needs assessed and addressed and are ready to begin the 2020-2021 school year with a clear plan for how their learning needs will be effectively supported, regardless of additional waves of COVID-19.