



## Legal Compliance During School Closure and Beyond: *Now, During the Summer, and When School Reopens*

### Massachusetts Partnerships for Youth

JUNE 8, 2020

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## IEP Progress Reports

Do **NOT** overcomplicate this:

There are 3 basic categories:

1. Students who didn't access the services for that goal;
2. Students who partially accessed the services for that goal; and
3. Students who accessed the services.



- Data drives the content.
- If you don't have data, take some data between now and the end of the year.
- Without data, you will have exposure to compensatory claims.

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# IEP Progress Reports

General Statement to be included at the beginning or conclusion of the progress reports:

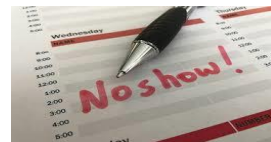
- “Due to the closure of schools throughout the Commonwealth since March 17, 2020, by Order of the Governor of Massachusetts, the District has implemented remote learning services that are reasonably calculated to provide the student with a free appropriate public education while schools remain closed and in-person educational services are prohibited. The student’s progress, as reported below, reflects the student’s progress during this period of remote instruction.”

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## IEP Progress Reports Students Who Did Not Access the Services for that Goal

“During the period of mandatory school closure, Anytown Public Schools’ staff offered services to meet this goal through distance learning. The parents and Little Johnny were contacted multiple times and offered repeated opportunities to receive remote services targeting this goal. Despite the district’s efforts to engage the student and family by phone, Google classroom and Google meet, the parents and the student did not access those opportunities. More specifically, Anytown Public Schools staff attempted to contact the parents and/or student on the following dates *[fill in dates and manner of attempted communication and parent response or lack thereof]*. Because of the student and the family’s decision not to engage in distance learning, there is no data to report at this time.”



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## IEP Progress Reports

### Students Who Partially Attended Sessions/Accessed Resources for that Goal

“Despite the district’s efforts to engage the student and family by phone, Google classroom and Google meet, the parents and the student only accessed \_\_\_ of \_\_\_ learning opportunities that were available to him. More specifically, Anytown Public Schools staff attempted to contact the parents and/or student on the following dates *[fill in dates and manner of attempted communication and parent response or lack thereof]*. Because of the student and the family’s decision only to partially engage in distance learning, the inconsistent participation contributed to the student’s progress outcomes to date. *[fill in available data based on date gathered during partial attendance]*.”



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## IEP Progress Reports

### Student’s Who Consistently Attended/Accessed Resources for that Goal



“During the period of mandatory school closure, Anytown Public Schools staff offered services to meet this goal through distance learning. The student was able to consistently access the services relative to this goal and was able to make the following progress: to this *[insert goal/benchmark specific data]*.”

- Reporting should include, if relevant, the student’s level of engagement in the service delivered (e.g., student successfully engaged in the remote services and consistently completed assignments submitted).

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# Responsibility for Compensatory Services

- Once school resumes, the school district “would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements.” *U.S. DOE, Question and Answers, March 12, 2020.*
- “Where, due to the global pandemic and resulting closures of schools, there has been an inevitable delay in providing services – or even making decisions about how to provide services – IEP teams (as noted in the March 12, 2020 guidance) must make an individualized determination whether and to what extent compensatory services may be needed when schools resume normal operations.” *U.S. DOE, Supplemental Fact Sheet, March 21, 2020.*



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## Will All Students be Eligible for Compensatory Services?

- “[I]ndividualized determination made by the IEP Team”
- “Doing everything possible *now* to provide special education and related services will be the most effective way for school districts to mitigate the need to provide compensatory services in the future.”
- “DESE anticipates further guidance” from US DOE “before schools re-open.”
  - *DESE Frequently Asked Questions, March 17, 2020 as updated on March 26, 2020.*
- **Of note:** April 8, 2020 - class action lawsuit filed in federal district court against Hawaii Board of Education seeking Declaratory Judgment that the DOE has denied eligible students a free appropriate public education or FAPE during the Covid-19 crisis. Lawsuit seeks an Order to the Hawaii Department of Education to follow “a definitive and fair process” for establishing compensatory education for affected students.

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## **Potential** IEP Meeting Considerations When School Resumes

- ❑ Once school resumes, according to current guidance, we are required to consider “whether and to what extent” compensatory services may be needed. We will be awaiting more guidance from state and federal agencies, however, here is what such considerations may look like:
  - ❑ How long was the school closed?
  - ❑ What instruction, including specially designed instruction and/or related services, was provided via an alternative method during the closure?
  - ❑ What other services/accommodations did we provide to offset any loss of service to the student during this period of time?
  - ❑ Were the alternative methods, in light of the student’s IEP goals/benchmarks, as beneficial to the student as the methods normally used to serve the student?
  - ❑ Was the student engaged and able to access the instruction?



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## **Potential** IEP Meeting Considerations When School Resumes

- ❑ Is there clear documentation of the amount of instruction and services the student was provided during the closure (dates, time, duration)? If so, what percentage of the student’s IEP services, did the student receive?
- ❑ Any evidence of regression or loss of skills?
- ❑ Ultimately, in light of the answers to the above questions and the student’s unique circumstances, does the student need any additional services to compensate him or her relative to delivery of special education services during the period of school closure?
- ❑ If so, what amount of services are owed and how will they be delivered?
- ❑ Document these determinations in the meeting notes and N1

### **Student’s IEP Team**



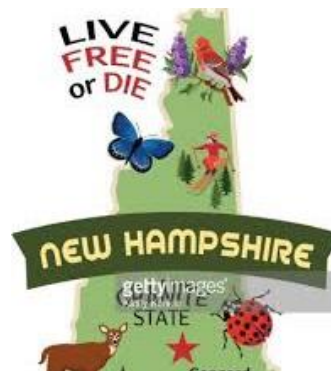
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## N.H.: Live Free or Die and ... Everyone Gets an IEP Meeting

NH Executive Order #48 signed by Governor Sununu on May 26, 2020:

- Districts **MUST** hold IEP Team meetings no later than 30 calendar days after the first day of school for the 2020-2021 school year to consider compensatory services.
- Standard: Teams to consider what compensatory services are required “to make up for services not provided during [the] period of remote instruction and support, student regression, or [a] student’s failure to make expected progress as indicated in the student’s IEP.”



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## *COVID Special Education Technical Assistance Advisory 2020-2 May 21, 2020*

- Generally, not much to see here.
- Rules basically remain the same:
  - Parents and districts can come to agreements to waive timelines.
  - Make multiple attempts to contact parents (phone, mail, email) and document those attempts.
  - Document all agreements/communications
  - Document any agreement via email, N1 or other written communication.
  - Seems to provide ability to extend the annual review, when parents do not respond to meeting invitation.

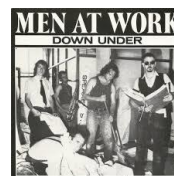
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## “School Working Days”

### *COVID Special Education Technical Assistance Advisory 2020-2*

- ☐ To date, neither state nor federal department of education have waived any timelines.
- ☐ Federal timelines under the IDEA cannot be waived without an act of Congress.
- ☐ Massachusetts DESE has clarified that from March 17<sup>th</sup> to April 9, 2020, the “school working days” paused. Where face-to-face observation and/or evaluation is required those evaluations will likely need to be delayed until school reopens for in-person instruction. This impacts:
  - ☐ Referrals for evaluation - 5 SWD to send out consent form;
  - ☐ Evaluations - 30 SWD from date of receipt of consent;
  - ☐ Eligibility meetings - 45 SWD from date of receipt of consent;
  - ☐ Responding to a request for IEE - 5 SWD; and
  - ☐ Convening team meeting to consider the IEE - 10 SWD.



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## *COVID Special Education Technical Assistance Advisory 2020-2*

“This guidance does **not** require that schools and districts send revised notices to parents nor rescind decisions regarding timelines and related activities, provided that the decisions regarding Team meetings and evaluations were individualized based on the needs of the student and made in collaboration with the students’ parents.”

“School districts **must not** communicate or implement any blanket policies that preclude Team meetings or evaluations from occurring or altering the Team process described in federal and state regulations, e.g., the district cannot have a policy or practice that suspends all annual review Team meetings or evaluations until students return to school.”

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## Annual Reviews

### *COVID Special Education Technical Assistance Advisory 2020-2*

1. If the district cannot hold the annual review meeting within the required timeline and the parent agrees to an extension.
  - Document the agreement. Can, but does not have to be an N1.
2. If the district cannot hold the annual review Team meeting within the required timeline and the parent does not respond to the district's request for an extension.
  - Document efforts/attempts to communicate using a variety of methods and reasons for extensions. Can be an N1 or other form of communication.

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## Annual Reviews

### *COVID Special Education Technical Assistance Advisory 2020-2*

3. If the district can hold the annual review meeting within the required timeline but the parent does not respond to the district's communications.
  - Document efforts. District can go forward without the parent if the school documents the records of telephone calls, retains the correspondence it sent, and make efforts such as "attempted visits made to the parent's home or place of employment and the results of those visits."
4. If the district cannot hold the annual review meeting within the required timeline and the parent does not agree to an extension.
  - Document communication with the parent including the parent's stated reason for not agreeing to the extension, and the specific reasons that the district cannot hold the meeting within the timelines. District "should" issue an N1 and PNPS.

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## “Professional Judgment”

### *COVID Special Education Technical Assistance Advisory 2020-2*

“Schools and districts should use professional judgment in determining whether to conduct a specific assessment.” Factors include:

- “Referring to guidance of the relevant professional organization of the particular evaluator conducting the assessment at the state or national level.
- Relying on evaluators as to whether an entire assessment or parts of an assessment may be conducted.
- Taking into consideration current knowledge and circumstances of the student and making individualized decisions.
- Consulting with the special education administrator.
- Considering the use of alternative assessment tools to assess all areas of suspected disability.
- Continuing to monitor for developments in the manner assessments can be conducted remotely and, as developments emerge, revisit earlier decisions not to assess, as appropriate.”

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## *Initial Evaluations and Reevaluations*

### *COVID Special Education Technical Assistance Advisory 2020-2*

1. If the school district cannot conduct all of the relevant assessments remotely and the parent agrees to extend the timeline for completion of the evaluation.
  - Issue N1 documenting which assessments will be conducted as well as the mutually agreed upon extension
  - “Due to the unprecedented nature of this emergency, if the district has not yet had the opportunity to conduct its own evaluation but is presented with relevant student data related to the area of suspected disability, the district is encouraged to consider those sources and determine next steps as appropriate.”
2. If the district cannot conduct all of the relevant assessments remotely and the parent does not respond to the district’s request to extend the evaluation timeline.
  - Issue N1 or other written communication that documents the attempts to communicate with the parent, reasons for the proposed extension and anticipated timeframe when the evaluation will occur.

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## *Initial Evaluations and Reevaluations*

### *COVID Special Education Technical Assistance Advisory 2020-2*

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3. If the district cannot conduct all of the relevant assessments remotely and the parent does not agree to the district's request to extend the evaluation timeline.
  - District "should" issue an N1 with the Parents Notice of Procedural Safeguards stating the parent's reasons for disagreeing with the request for extension, as well as the specific reasons that the district cannot complete the evaluations.

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## *Early Intervention*

### *COVID Special Education Technical Assistance Advisory 2020-2*

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1. Existing evaluation data, assessments, or other diagnostic information, as well as the IFSP, "may clearly establish the child's eligibility for early childhood special education."
  - "During this period of public health emergency, it is recommended that the IEP Team review existing evaluations to determine eligibility."
2. If assessments cannot be completed, and the child has been identified as potentially eligible and was referred by EI, the following special considerations should be discussed.
  - "The school or district may provide remote learning opportunities in your district's general education preschool, if available."

*(continued on next slide)*

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## *Early Intervention*

### *COVID Special Education Technical Assistance Advisory 2020-2*

- The school or district may consult with Regional Consultation Program (RCP) specialists to provide resources to families and/or school districts.
- The school or district may connect with Coordinated Family and Community Engagement (CFCE) grantees for families to receive supports and virtual playgroup opportunities.
- The school or district should collaborate with local EI programs to support the child's transition from EI.
  - With agreement by the parent, EI programs may complete additional assessments that may facilitate the process for determining eligibility.
  - The EI program may request a waiver from the Department of Public Health so that the EI program can continue to support the child and the family during transition.
  - This support may include updating assessments and making additional referrals to child service agencies. The waiver is not intended for the continuation of IFSP services after the child's third birthday.”

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## *Extended School Year*

Service delivery may be remote learning with the possibility of some in-person service, if feasible, but standard for Team decision to offer ESY remains the same:

“An extended year program may be identified if the student has demonstrated or is likely to demonstrate substantial regression in his or her learning skills and/or substantial difficulty in relearning such skills if an extension is provided.” 603 CMR 28.05(d)(1).



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## *Extended School Year Do's*

### Do Provide ESY Services

- If in IEP, districts are still obligated to provide ESY even if remotely.
- Services should mirror the service delivery grid.

### Do Focus on Health and Safety

- Follow CDC, state and local guidance.
- See DESE June 4, 2020 initial summer school guidance and June 7, 2020 supplemental guidance for special education.

### Do Collect Data

- Document services provided to prevent regression.

Remember: limiting regression over the summer always benefits students and teachers when schools re-open in the Fall but this summer more than ever.



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## *Extended School Year Don'ts*

### Don't Offer ESY to Every Student

- Schools closing for COVID-19 does not mean every student on an IEP qualifies for ESY.
- Individualized determination by each student's IEP Team.
- Team may consider impact of school closure on the need for ESY to prevent regression.

### Don't Forget ESY's Purpose

- To prevent regression and to maintain skills for the provision of FAPE.

### Don't Conflate ESY and Compensatory Services. These are separate and distinct.

- Comp services will be determined on a case-by-case basis at IEP meetings when schools re-open to address whether FAPE was denied during remote learning.
- You can use the summer to offset any potential compensatory services claims



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## *Initial Summer School Guidance DESE June 4, 2020 Memorandum*

- DESE issued initial summer school re-opening guidance on June 4<sup>th</sup> [here](#).
- DESE then issued supplemental guidance on June 7, 2020 (not yet posted on DESE site).
- DESE encouraged Districts “to provide in-person services to as many students as is feasible.”
- BUT, did also acknowledge that it is possible that “remote learning will continue to be the most feasible and safest option for many districts and schools.”



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## *DESE Summer School Guidance, June 4, 2020*

Districts encouraged to consider:

- ☐ Remote learning may still be most *feasible* and safest.
- ☐ The following student groups should be prioritized for instructional programs that will maximize student learning, including in-person instruction where possible:
  - Students with disabilities.
  - Students who have been off track or only intermittently engaged prior to and/or during period of school closures.
  - Vulnerable students who may be at risk socially or emotionally due to the school closures.
- ☐ If *feasible*, conducting even a small in-person program may support districts and schools in readiness efforts for a fall re-opening.

FEASIBLE: “You keep using that word. I do not think it means what you think it means.”



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## *DESE Summer School Guidance, June 4, 2020*

Safely re-opening schools for summer programming will require:

- ☐ Staying home if sick.
- ☐ Face coverings and masks: all students and staff must wear face coverings, with exceptions only for those students and staff for whom it is not safe to do so due to age, medical conditions, or other considerations.
- ☐ Frequent hand washing and hand sanitizing.
- ☐ Maintaining 6 feet separation at all times.
- ☐ Schools must develop isolation and discharge protocols for students who become ill during the day.
- ☐ Small groups of students assigned to one teacher: group sizes restricted to a maximum of 10 students, with a maximum of 12 individuals including students and staff in a room.
- ☐ Entry screening: it is NOT recommended to temperature check students at entry due to significant number of false positives and false negative results.



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## *DESE Summer School Guidance, June 4, 2020*

Additional Considerations:

- ☐ Keep summer programming at less than 25% of school's capacity.
- ☐ Provide 3-4 hours instruction each day.
- ☐ P.E., recess, and electives only if these can be held outside with social distancing.
- ☐ Ensure permission forms include relevant medical info and comprehensive contact information to easily reach families.
- ☐ Designate a senior staff person as a COVID-19 "point person" to address concerns.
- ☐ Develop protocols re: hygiene, cleaning, vendor deliveries, etc.
- ☐ Field trips, visitors and assemblies are not permitted.
- ☐ Provide staff training.

Note: June 4, 2020 memo did not provide detailed guidance on situations where social distancing cannot be assured (e.g., restraints, toileting assistance). Look at June 7<sup>th</sup> guidance for more details.

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## *DESE Summer School Guidance, June 4, 2020*

Transportation: establish a plan!

- Maximize space between riders.
- Require masks.
- Windows kept open when possible.
- Buses cleaned and disinfected daily.



Entry plans: establish clear policies for student entry and dismissal with drop-off and pick-up spots that comply with social distancing.

Ask families to:

- Do a wellness check of child each morning; keep home if ill.
- Ensure child arrives with mask or face covering each day (and an extra, if possible).
- Follow school policies regarding drop off and pick up.
- Provide updated contact information.

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## Guidance on **Required** Safety Supplies for Reopening Schools, DESE June 5, 2020

- Outlines the required supplies for summer school
- Responsibility for acquiring all equipment falls to the individual school districts
- Required supplies include disposable masks, gloves, gowns, eye protection, shields, hand sanitizer, disposable gloves, waste disposal

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## Disposable Masks

*Initial Recommended quantities per 100 individuals per group per school*

Group	Quantity per 100 per group	12-week Supply at 100% Attendance	12-week Supply at 50% Attendance	12-week Supply at 25% Attendance	Assumptions
Students	100 masks per week	1,200	600	300	1 disposable mask per week per student (to supplement the cloth masks provided by parent/guardian).
Teachers and other staff	500	6,000	3,000	1,500	5 disposable masks per week per teacher.
School nurses and health providers	1,000	12,000	6,000	3,000	10 disposable masks per week per school nurse.

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## Materials for Staff in High-Intensity Contact with Students or Handling Waste Material

*Initial recommended quantities per 1 staff*

*(e.g., nurses, custodians, and some special education teachers and other staff)*

Item	1-week Supply for 1 Staff	12-week Supply	Assumptions
Disposable Nitrile Gloves	10	120	10 pairs disposable nitrile gloves per week, per staff.
Disposable Gowns	10	120	10 disposable gowns per week, per staff.
Eye Protection	2	n/a	2 re-usable eye protection per staff total.
Face Shields	2	n/a	2 reusable face shields per staff total.
Waste Disposal Medium	1	n/a	1 unit per staff total.
N-95 Ventilating Masks* Note: N-95 masks are recommended <i>only</i> if staff will be in contact with a suspected COVID-19 positive case and/or performing aerosol-generating procedures	10	120	10 N-95 masks per week, per staff.

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## Building Supplies

Item	1-week Supply for one building	12-week Supply at 100% Attendance	12-week Supply at 50% Attendance	Assumptions
<b>Hand Sanitizer</b>	1/3 gallon/classroom	4 gallons/classroom	2 gallons/classroom	1/3 gallon of hand sanitizer per classroom, per week at 100% attendance.
<b>Disposable Nitrile Gloves</b>	20	240	240	20 disposable nitrile gloves (pair) per week, per custodial staff member at 100% attendance.
<b>Waste Disposal Medium</b>	1	n/a	n/a	1 disposal medium per school building.

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### *DESE Supplemental Summer School Guidance, June 7, 2020*



After issuing an “initial” summer school guidance on June 4, 2020, three days later DESE issued a supplemental guidance yesterday, June 7, 2020.

“Schools and districts should employ their best efforts to provide as many in-person services to high-priority students this summer as is feasible while following proper health and safety.”

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## *DESE Supplemental Summer School Guidance, June 7, 2020*

In order to provide in-person instruction over the summer, the following steps **MUST** be taken:

1. Identify high-priority students most at need for in-person summer services and communicate with families.
2. Identify, hire, and onboard appropriate staff.
3. Identify and purchase necessary protective equipment.
4. Develop situation-specific protocols as indicated in this document and in the additional resources provided. Modify any existing health and safety plans and/or school protocols as needed due to COVID-19.
5. Develop a training plan that includes identification of the staff needing to be trained, procurement of resources and trainers, and a system to confirm all necessary training is completed prior to in-person instruction.

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## *DESE Supplemental Summer School Guidance, June 7, 2020*

Step #1: Identification of high priority students most at need for in-person services:

- ☐ Students with the most significant disabilities who have demonstrated substantial regression during remote learning;
- ☐ Students who receive multiple services during the summer – such as applied behavior analysis; speech, occupational, and/or physical therapies; and academic instruction – so that at least some of those services can be offered in person; and
- ☐ Students who will need more time to learn new procedures and protocols to increase their successful re-entry to school in the fall.

Students not included in these categories would continue to receive services remotely: (e.g., students who received limited number of services such as tutoring, related services, or academic services only).

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## *DESE Supplemental Summer School Guidance, June 7, 2020*



Supplemental guidance also includes ...

- ❑ Staffing, Direct Service Providers, and Grouping Requirements
  - ❑ Direct Service Provider definition: personal care attendants, direct support professionals, paraprofessionals, therapists, related services personnel, assistants, school nurses, health office staff, and any other staff who must come into close contact (6 feet or closer) with students with disabilities).
- ❑ Protective Equipment
- ❑ Situation-Specific Protocols
  - ❑ Screening and Monitoring; Toileting; Physical Intervention and Restraint; Transportation
- ❑ Education and Training
- ❑ Additional Resources

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## *Schools “Reopening” in September – What to Expect*

- Sadly, schools in the Fall will not look the same.
- Expect a continuation of social distancing, disinfecting, and masks.
- Possible Options:
  - Alternate days or weeks.
  - AM/PM sessions.
  - Continuation of remote learning.

Stay Tuned: Guidance will evolve over the summer from CDC, USDOE, MA DESE.



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## *Reopening Guidelines*

May 2020, the Centers for Disease Control and Prevention (CDC) issued “Activities and Initiatives Supporting the COVID-19 Response and the President’s Plan for Opening America Up Again”.

- ☐ Contains safety recommendations for reopening of schools.
- ☐ Document may be found [here](#).

June 1, 2020 MA Department of Early Education and Care issued “Massachusetts Child and Youth Serving Programs Reopen Approach: Minimum Requirements for Health and Safety”.

- ☐ While not geared towards schools, but rather summer programs and child-care centers, foreshadows what fall reopening may look like.
- ☐ Document may be found [here](#).



June 4, 2020 and June 7, 2020 DESE Summer School Re-Opening Guidance previously discussed also provides glimpse into what September re-opening may look like.

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## *CDC Recommended Safety Precautions*

- Place seats and desks at least six feet apart.
- Turn desks to face in same direction (no group seating, no desks facing each other).
- Avoid sharing of electronic devices, toys, books, supplies.
- Close communal spaces (cafeterias, playgrounds, etc.), if possible; otherwise stagger use and disinfect in between use.
- Lunch: serve individually plated meals in classrooms instead of cafeteria.
- Buses: social distance children (e.g., one child per seat, every other row).
- Ensure student and staff groupings are static as possible: same group of children stay with the same staff (all day for young children, and as much as possible for older children).
- Cancel all field-trips and extracurricular activities.
- Restrict non-essential visitors, volunteers, and activities involving other groups.
- Stagger arrival and drop-off times or locations; limit close contact with parents or caregivers

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## *CDC Recommended Safety Precautions (Continued)*

Other CDC Recommendations:

- Teach and reinforce washing hands and covering coughs and sneezes.
- Provide adequate supplies including soap, hand sanitizer, paper towels, tissues and no-touch trash cans.
- Post signs on how to stop spread of COVID-19

If someone gets sick:

- Administrators, school nurses, and local health care providers should work together to create isolation rooms in each school building so any student or staff member who exhibits COVID-19 symptoms can be separated.
- Administrators should then close off areas used by a sick person and then wait 24 hours to disinfect.
- Students or staff who have been in contact with a sick person should be informed and asked to stay home and self-monitor for symptoms.

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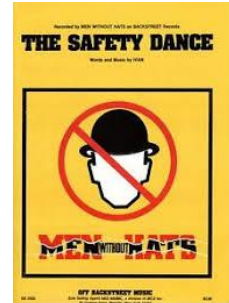
## *Tips for the Times*

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## Tip 1: Prioritize Health and Safety

- ❑ Health and safety of staff and students remains the number 1 priority during this crisis.
- ❑ While we are obligated to provide FAPE, that obligation can only be delivered “consistent with the need to protect the health and safety of students with disabilities and those individuals providing education, specialized instruction, and related services to these students.” *Supplemental Fact Sheet, U.S. Dept. of Education, Office for Civil Rights and OSERS, March 21, 2020.*
- ❑ Do **not** take any steps that would compromise the safety of children or our staff.



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## Tip 2: Collaboration and Cooperation

- ❑ Work with parents/guardians to extend timelines for meetings/deadlines when appropriate.
- ❑ The BSEA will likely be very forgiving in circumstances in which we have a documented agreement (email should suffice) with the parent/legal guardian to delay meetings/evaluations.
- ❑ Work with other districts to share teaching tools/resources, particularly in serving small group classes with comparable profiles.
- ❑ Make sure all agreements are memorialized in writing and become part of the student's record.



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## Tip 3: Respond to Parents **Nicely!**



- Parents have no current rights to appeal or be part of the decision-making process regarding the services their children receive during the period of closure.
- So what happens when you receive the email from parents demanding 1:1 services consistent with his or her IEP?
- Be nice!

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## Tip 4: Consider Offering Additional Services Now or in the Summer

- Identify the students for whom it was the most challenging to deliver services during the period of remote learning.
- Consider specific, individualized service offerings for the student during the summer months (above and beyond ESY).
- Services should be based off the IEP service delivery grid.
- This will:
  1. help students offset any regression experienced during the closure;
  2. Increase readiness for school in the Fall;
  3. Create happier kids and happier parents; and
  4. Help offset compensatory claims.

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## Tip 5: Document! Document! Document!

- ❑ Remember: If a communication, service or agreement is not documented, then we will not be able to prove that it happened.
- ❑ Create one system for documentation of all service delivery (date, time, duration, goal/benchmarks worked on).
- ❑ Create a point person for consolidating this information for each student.
- ❑ Make sure there is a system in place for these documents to become part of the official student record.
- ❑ Email is your friend. Use it to document consent, extension of timelines, and other communications. Blind copy yourself on each correspondence and save to an individual student folder.

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## Tip 6: Prepare! Prepare! Prepare!

- September will be busy – compensatory services IEP meetings; evaluations and re-evaluations; meetings that were postponed; and regularly-scheduled annual review meetings.
- Plan for deluge of meetings in a thoughtful way – prioritize but make sure criteria for prioritizing meetings is non-discriminatory (e.g., alphabetical, or by level, high school and middle school).
- Seek help from parents who may be willing to delay their meetings to October or November.
- Administration must plan for teachers missing classes for IEP meetings.



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## Tip 7: Consider a Flexible Approach to the Fall

- No matter what the guidance, schools and/or districts will likely be required to close again, even if for a brief period of time.
- Prepare for a **hybrid** approach.
- Establish a robust online learning platform with dedicated staff at each level to create prerecorded lessons at the grade-level.
  - Expect remote services to be full day and full-service delivery.
- Use in-person classes (delivered by other personnel) to integrate with the online learning.
- **Share the load:** consider partnering with other school districts to develop the online learning by grade-level in accordance with the Massachusetts Curriculum Frameworks.



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## Tip 8: Consider a Flexible Approach to the Fall

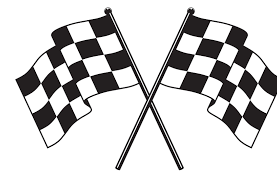


- Consider more self-contained classrooms/limited movement for class-to-class.
- Close communal areas.
- CDC Guidance: “If feasible, conduct daily health checks (e.g. temperature screening and/or symptoms checking) of staff and students safely.”
- Prepare for how to serve vulnerable staff and how to best utilize vulnerable employees and/or staff living in high-transmission areas.
- Consider staggered schedules: e.g., alternate days, alternate weeks, alternate biweekly.

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## Tip 9: Flagging Potential Issues



- Consider how to approach individual considerations for mask wearing.
  - E.g., students with sensory issues that cannot tolerate a face mask; or
  - A hearing-impaired student who reads lips to engage in effective communication requesting that masks not be used or modified with clear plastic so lips can be seen.
- Parents not sending children for in-person instruction at school because of at-risk sibling or adults at home.
- Grading students if they fully participate in the in-school programming but not the remote learning.
- Implications of service delivery if school takes a hybrid approach (combination of in-person and remote).
  - Plan for full implementation of service delivery grids during distance learning and offsetting any service delivery discrepancies during in-person instruction.

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## Tip 10: Take Care of Yourself

Enjoy the Summer!



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## Resources

- ❑ Covid-19 Frequently Asked Questions and Power Point slides from Nuttall, MacAvoy & Joyce available at: [www.nmjedlaw.com](http://www.nmjedlaw.com)
  - ❑ March 27, 2020 – COVID-19 Newsletter
  - ❑ March 30, 2020 – COVID-19 Power Point
  - ❑ April 3, 2020 – Frequently Asked Questions
  - ❑ April 10, 2020 – Frequently Asked Questions
  - ❑ April 17, 2020 – Frequently Asked Questions
  - ❑ April 27, 2020 – COVID-19 Power Point
- ❑ Federal resources available at: <https://www.ed.gov/coronavirus>
- ❑ Massachusetts state resources available at: <http://www.doe.mass.edu/covid19/sped.html>

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## Questions?

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## Final Thoughts

- ☐ Stay safe.
- ☐ Stay home.
- ☐ Stay healthy.



- ☐ Let us know if there is anything we can do to help.

- ☐ Wishing safety and health to you and yours,
- ☐ Mike and Craig

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