



Overview of IDEA Part B Guidance Documents: Continuous Learning for Students with Disabilities in Washington, DC and Beyond

This document serves to provide a high-level overview of relevant guidance issued by the US Department of Education, the Washington, D.C. Office of the State Superintendent of Education (OSSE), and other authorities related to the delivery of continuous learning for students with disabilities. It highlights the main practice-based mandates and describes examples of what those mandates look like in practice.¹

This document is organized by OSSE's key principles of special education service provision and is designed for use by local educational agency (LEA) school leaders and special education administrators. Documents referenced herein are published as of September 20, 2020. While tailored to the needs of DC LEAs, the examples herein may prove useful to practitioners in other jurisdictions.

The information contained in this document is provided for informational purposes only and should not be construed as legal advice on any subject matter. LEA's should not act or refrain from acting on the basis of any content included herein without seeking legal or other professional advice.

For more information, contact The Ability Challenge at www.theabilitychallenge.org or info@theabilitychallenge.org.

¹ This document focuses on policies specific to the supports afforded to students with diverse learning needs. It does not address operational issues, such as facilities or health/safety, that are not directly related to special education.

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LEA DISCRETION AND FLEXIBILITY

Guidance	More Information	What this looks like in practice
<p>PROVISION OF FAPE</p> <p>LEAs should provide any needed modifications or alternatives to make the curriculum and services accessible to students with disabilities. An LEA can provide FAPE to students with disabilities through distance or blended learning models, even if some services are provided in a different manner than they are typically provided. IEP revisions should be based on student-specific needs and special considerations required to implement the IEP, not services available through an LEA's distance or blended learning program.</p> <p>Exceptional circumstances may affect how a particular service is provided under an IEP. In designing instruction and services to offer an educational benefit, it is important to consider the unique learning needs, accommodations and supports noted in each student's IEP.</p> <p>IEP Team meetings, and necessary updates to IEPs, shall be considered on a case by case basis when a student receiving distance or blended learning requires special considerations to equitably access the educational opportunities provided to all students. School staff should form trusting relationships with families to ensure that student needs are being met.</p>	<p>USED Supplemental Fact Sheet p. 2P Guidance A-1 (3/21/20)</p> <p>OSSE IEP Amendment Policy (1/27/14)</p>	<p>A fourth grade general education ELA teacher works with a peer special education teacher to determine how to provide rigorous accommodations for students with disabilities enrolled in her class - including allowing students to choose independent reading books and use multiple modalities to demonstrate "journal" reflections such as drawing, recording short videos, etc.</p> <p>A school holds a virtual meeting to amend a student's IEP because she will not receive 1:1 paraprofessional services during the fall term. The IEP team makes an individualized determination that having the paraprofessional check in with the student in the morning before instruction, at lunchtime, and at the end of daily sessions is an appropriate alternative to enable that student to make progress in the curriculum and meet her IEP goals.</p>
<p>ASSIGNMENT-COMPLETION ACCOMMODATIONS</p> <p>LEAs should deploy flexible options for students to return work completed during remote learning.</p>	<p>OSSE Guidance Related to Distance and Blended Learning (7/20/20)</p>	<p>A sixth-grade math teacher allows students to turn in assignments in the following ways: through posting in Google Classroom, via email, by taking a photo of completed work, or calling him and discussing the answers.</p>
<p>ENGAGEMENT-INCREASING ACCOMMODATIONS</p> <p>Activities that LEAs may consider to increase student engagement include, but are not limited to: scheduling</p>	<p>OSSE Guidance Related to Distance and Blended Learning (7/20/20)</p>	<p>A middle school counselor has one student who repeatedly misses weekly sessions planned for Wednesday afternoons because they have to take care of their siblings while their parent works. It is decided through conferencing with the student and parent that sessions would be more appropriately</p>



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<p>service delivery at mutually agreeable times, LEA-specific identification of technical requirements for mobile platform access, and ensuring the availability of troubleshooting resources for mobile platforms.</p>	<p>CAST, Universal Design for Learning, Remote Learning Resources (website last visited 9/3/20)</p>	<p>held first thing in the morning, before daily classes begin. The counselor is flexible to adjust in this way and the student is more engaged as a result.</p>
<p>DOCUMENTING AND COMMUNICATING CONTINUOUS LEARNING SPECIAL EDUCATION SERVICES</p> <p>LEAs are encouraged to utilize remote learning plans or other forms of written communication to inform students, staff, and families of the services their child will receive and should be available through remote learning.</p>	<p>OSSE Guidance Related to Distance and Blended Learning (7/20/20)</p>	<p>An LEA decides to write an IEP addenda for each student who is receiving modified services during remote learning. The content of this addendum is included in a “remote learning letter” that is sent to each family both by mail and electronically. The remote learning letter contains a link to the school’s LMS, where the plan can also be found stored in a student folder.</p>
<p>PROGRESS MONITORING</p> <p>IEP goals should still be tracked and progress should be monitored per the mandates in a student’s IEP.</p>	<p>National Center for Special Education in Charter Schools, COVID-19 and Students with Disabilities: FAQs for Schools and Practitioners (webpage last visited 9/3/20)</p>	<p>A student with an IEP goal about pencil grip and handwriting works toward that goal through continuous instruction and the teacher is able to check in with the student to monitor progress over video conference. This information is input into the school’s system for tracking progress to goals and shared with the parents per the IEP.</p> <p>A teacher has a student with an IEP goal focused on reducing the amount of times responses are made out-of-turn and works with the parent to collect behavior data during continuous instruction, as well as during breaks and lunchtime. The parent sends this data to the teacher daily and they meet weekly to discuss progress.</p>
<p>ASSISTIVE TECHNOLOGY</p> <p>LEAs should continue providing access to both AT devices and services and shall explore alternative ways to provide these supports, including through low-tech options for students who do not have access to internet or technology.</p>	<p>Council for Exceptional Children (CEC), Technology Considerations for Students Receiving Special Education Services as Schools Reopen (8/11/20)</p>	<p>A teacher has one student who is hearing impaired and one who is autistic and determines that providing short video clips via remote instruction would be more impactful with closed captioning. The teacher finds these services via open-access tools and realizes after implementation that using sub-titles benefited not only the two for whom she originally developed the intervention, but virtually all students were able to better focus.</p>



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<p>RELATED SERVICES</p> <p>To the greatest extent possible, LEAs should continue providing related services in line with a student's IEP.</p>	<p>NCLD, Serving Students with Disabilities During the COVID-19 Crisis, Spotlight on Policy and Practice, Part One: Providing FAPE (web resource last visited 9/3/20)</p>	<p>A school works with a student and the student's family to find a time for the student to engage in IEP mandated speech/language therapy for 60 minutes per week.</p>

TRANSPARENT COMMUNICATION WITH STUDENTS AND FAMILIES

Guidance	More Information	Example(s)
<p>REGULAR PARENT COMMUNICATION</p> <p>LEAs should continue to provide, to the greatest extent possible, the special education and related services identified in the student's IEP. In doing so, LEAs should ensure that school professionals delivering IEP services to the student (e.g., special education coordinators, classroom teachers, special education teachers, and related service providers) regularly communicate with families throughout the remote learning period.</p>	<p>OSEP Guidance A1 (3/20)</p> <p>NCLD, Serving Students with Disabilities During the COVID-19 Crisis: Spotlight on Policy and Practice, Part 2: Family-School Collaboration (web resource last visited 9/3/20)</p>	<p>An LEA continues to provide a student's IEP mandated specialized instruction hours and virtual counseling; however, certain classroom accommodations are not applicable (such as preferential seating and frequent breaks). After getting agreement from the student's parents that those accommodations should not be implemented, the team of educators working with the student identifies one primary teacher to communicate weekly with the parents to check in about how the student is doing without those supports.</p>
<p>TRAINING AND COLLABORATION</p> <p>LEAs should plan to allocate time and resources towards training educators, family members, and students on the tools used to direct and facilitate learning (high and low tech).</p>	<p>Council for Exceptional Children (CEC), Technology Considerations for Students Receiving Special Education Services as Schools Reopen (8/11/20)</p>	<p>Realizing there will be variability amongst their stakeholders in knowledge, comfort, and expertise, a school offers webinars, an interactive conference call, and written materials to ensure the digital tools used for instruction are not barriers to student learning.</p> <p>An LEA holds a focus group to gather input about the best way to support collaborative problem-solving, including family members, who will have increased roles and expectations in hybrid and fully online learning.</p>



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<p>ALTERNATIVE SIGNATURE COLLECTION</p> <p>LEAs may document parent signatures using alternative means, including by email attachment of the parent’s signature on required documents, standard mail, scanned document, photograph of the signed document, or electronic signature. OSSE recommends LEAs document the receipt of parent signature and resulting impact of the consent through prior written notice.</p> <p>Alternative means for parent signatures may also be obtained for content to release personally identifiable information from education records.</p>	<p>OSSE Guidance Related to Distance and Blended Learning (7/20/20)</p> <p>USDOE Q&A Part B Procedural Safeguards (6/30/20)</p>	<p>A parent provides a scanned copy of the parent’s signature consenting to hold a virtual IEP team meeting and the LEA documents that agreement in a PWN.</p> <p>Another parent signs a paper letter of consent and takes a picture of it. He then texts the case manager the photo of the paper, who uploads the photo into the LEAs case management system.</p>
<p>PRIOR WRITTEN NOTICE</p> <p>LEAs must provide parents written notice a reasonable time before it changes the identification, evaluation, educational placement of the child, or the provision of a free appropriate public education (FAPE) to the child. If the parent has previously agreed, or agrees during the pandemic, the prior written notice can be provided through electronic mail (email).</p> <p>Similar procedures are permissible for distributing procedural safeguards to families during COVID-19 building closures.</p>	<p>USDOE Q&A Part B Procedural Safeguards (6/30/20)</p>	<p>An LEA seeks to change the services on a student’s IEP following an annual review and requests that the parent consent to receiving prior written notice through email. The parent agrees in writing and the school sends the PWN that week.</p>
<p>FAMILY SUPPORT & TECHNOLOGY</p> <p>LEAs should ensure technology is accessible prior to initial service provision, ask families how much time they can devote to the virtual session with their child, and identify solutions to anticipated distractions. LEAs should ensure that families have a written schedule of service delivery times and technical assistance numbers to address technology failures.</p>	<p>OSSE Guidance Related to Distance and Blended Learning (7/20/20)</p>	<p>An LEA that offers early childhood education seeks to partner with parents who are interested in supporting their children through specialized instruction in the home. The LEA holds IEP meetings to add parent counseling and training to the IEPs of students whose parents opt-in to this support. If the student is not present during parent counseling, this is permissible, and notes should be made reflecting the lack of student participation in SEDS.</p>



DATA-DRIVEN EFFORTS TO ADDRESS STUDENTS' NEEDS FOR SUPPORT

Guidance	More Information	Example(s)
<p>USE OF DATA</p> <p>LEAs should prioritize the use of data to make planning decisions related to supporting student needs.</p>	<p>Data Quality Campaign, COVID-19 Recovery Requires Education Data (8/21/20)</p>	<p>An LEA spends the summer taking stock of its data collection and analysis systems to better understand how the data it collects can support delivery of continuous learning strategies this fall. From the analysis, the LEA determines that students with disabilities need a more streamlined way to organize their IEP and other academic data, as well as facilitating more general education training on disability in inclusion classrooms.</p>
<p>ACCESSIBILITY</p> <p>Educators should go beyond current accessibility requirements to ensure that students with learning, attention, behavioral, sensory, physical, and similar challenges are guaranteed appropriate educational materials for their learning.</p>	<p>Council for Exceptional Children (CEC), Technology Considerations for Students Receiving Special Education Services as Schools Reopen (8/11/20)</p>	<p>In addition to considering sensory and physical accessibility as it traditionally does, a school looking to prioritize resource allocation spends time discussing with students and families what cognitive needs (e.g., learning attention, executive functioning) students have and how technology or other supports may assist during this time.</p>
<p>PROCEDURAL TIMELINES</p> <p>LEAs should make attempts to meet IDEA procedural timelines to the greatest extent possible, and to reach agreements with parents on extension of procedural timelines where possible. LEAs will experience an unprecedented volume of workload related to IDEA compliance and updates to student programming upon return to normal operations, and this volume may begin during the phased reopening of DC schools. LEAs should resume all activities delayed by circumstances related to the public health emergency as soon as possible.</p>	<p>OSSE Guidance Related to Distance and Blended Learning (7/20/20)</p> <p>Guidance Related to Coronavirus (COVID-19): IDEA, Part B Provision of FAPE Frequently Asked Questions (4/15/20)</p>	<p>A school is unable to complete an initial evaluation within the mandated timeline for a student when they are sick for an extended period of time with COVID. The student's parents agree to extend the timeline and the school documents this extension through a prior written notice in SEDs that is also delivered to the parent.</p>



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<p>EVALUATION AND ASSESSMENT</p> <p>LEAs should review each assessment to determine if they can gather valid results from administering the assessment virtually. In some cases, evaluations or portions of an evaluation can be done remotely.</p>	<p>National Center for Special Education in Charter Schools, COVID-19 and Students with Disabilities: FAQs for Schools and Practitioners (webpage last visited 9/3/20)</p> <p>NCLD, Serving Students with Disabilities During the COVID-19 Crisis, Spotlight on Policy and Practice, Part One: Providing FAPE (web resource last visited 9/3/20)</p>	<p>An LEA faced with a mandated three-year reevaluation reviews a 12th grade student's records, including prior assessments, progress monitoring, teacher observations, and determines that the team already possesses sufficient timely data, and determines that no new formal evaluations is required. The team makes a student-specific determination that the LEA has enough information to determine the student's ongoing eligibility for special education services and designs appropriate programming for the student for the new IEP based on the existing student data. The LEA informs the parent of their procedural safeguard options for challenging this decision if the parent is in disagreement.</p> <p>At the beginning of the school year, the SEC contacts each member of the schools IEP teams to let them know that assessments may be done remotely this year, and to make three determinations: 1. Will the team member be recommending a formal assessment this year? 2. Can the students on their caseload effectively take a remote assessment, if necessary. 3. If the answer to (2) is no, then to make a data collection plan to try and ensure all case notes contain sufficient information to obviate the need for the formal assessment.</p>
<p>REPEATED STUDENT ABSENCE</p> <p>LEAs must make service provision available in instances of interruptions in services including repeated or predictable student absences. This includes the requirement to maintain and provide accurate and clear documentation of all instances of attempted service provision, including an explanation behind each missed session.</p>	<p>OSSE Guidance Related to Distance and Blended Learning (7/20/20)</p> <p>OSSE Related Services Policy (1/5/10)</p>	<p>An LEA determines that a student needs continued counseling services during the fall semester, consistent with his IEP. When the student repeatedly refuses to participate in sessions via Zoom, the counselor continues to make good faith attempts to connect with the student and consistently logs all efforts. This information may be shared with the student's other teachers to determine if there are other ways to find out why the student refuses services. The IEP team meets to determine the impact of repeated missed services on the student's performance and takes next steps to ensure the student continues to make progress on IEP goals.</p>
<p>UNENROLLMENT & EXPULSION DUE TO POOR ATTENDANCE</p> <p>Absences during a school closure are not recorded at the student level. Therefore, an LEA may not unenroll a student due to non-attendance, because the student cannot accumulate the 20 or more full-day unexcused</p>	<p>OSSE Guidance Related to Distance and Blended Learning (7/20/20)</p> <p>DC Code §38-236.04(c)</p> <p>34 CFR §300.530(d)(1)(i)</p>	<p>A high school student repeatedly does not attend remote instruction opportunities, nor does she answer the phone for her planned IEP related services times. Because the school knows they cannot withdraw or expel the student, they continue to make attempts to connect with her, such as reaching out to her friends, sending her text messages and written letters, and conferencing with her parents.</p>



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<p>absences that would allow an LEA to unenroll the student when schools are open.</p> <p>The LEA has a continuing responsibility to provide FAPE to the student with a disability during removal, including expulsion. A student with a disability may be removed to another setting but must continue to receive educational services to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals set out in the student's IEP.</p>		

