



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

**EDUCATION**

**IDEA, Part B Provision of FAPE:  
Guidance for the 2021-22 School Year**

Revised Nov. 2, 2021

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## Introduction

### Background

As part of the District of Columbia's response to the coronavirus (COVID-19) pandemic, the Office of the State Superintendent of Education (OSSE) is offering this document to provide guidance to local education agencies (LEAs) as schools return to in-person instruction during the 2021-22 school year. OSSE previously issued consolidated [IDEA Part B Provision of FAPE Guidance Related to Distance and Blended Learning](#) to support LEAs in meeting their obligations related to Part B of IDEA in instances where LEAs were required to close their doors or limit access to buildings and transition to distance or hybrid learning models. Additional guidance issued by the US Department of Education (USED), Office of Special Education Programs (OSEP) on ensuring a free appropriate public education (FAPE) during the COVID-19 pandemic can be accessed [here](#), and a supplemental fact sheet is available [here](#).

### Scope

This document contains guidance on LEA responsibilities under Part B of IDEA relating to the provision of FAPE following an extended period of school closure or distance learning due to the COVID-19 public health emergency. Previously issued guidance regarding compensatory services is updated and amended to address LEA obligations as schools return to normal operations. This document additionally provides newly issued guidance on medical exemptions and accelerated learning for students with disabilities.

This document generally constitutes informal guidance and does not impose any additional requirements beyond those included in applicable federal and local law and regulations.

### Date Issued

This guidance was first issued on Aug. 24, 2021 and revised on Nov. 2, 2021 to rescind Q8 and Q9 related to compensatory services and address guidance from the US Department of Education (see p. 7).

### Resources

LEAs may refer to OSSE's [Guidance and Resources for COVID-19-related Closures and Recovery](#) page for guidance, information and supports related to closures, reopening and recovery.

### Questions?

If you have questions relating to this guidance, please contact the Division of Systems and Supports, K-12 policy team at [OSSE.DSEpolicy@dc.gov](mailto:OSSE.DSEpolicy@dc.gov).

## IDEA, Part B Provision of FAPE Frequently Asked Questions

### **Medical Exemptions for Students with Disabilities and Homebound Instruction**

**Q1: If a student with a disability has a medical exemption during the 2021-22 school year, is the student's exclusion from in-person instruction considered a change in placement?**

**A:** Yes. For long-term exclusions, an LEA must consider placement decisions under the IDEA's procedural protections of 34 CFR §§ 300.115 – 300.116, regarding the continuum of alternative placements and the determination of placements. If the child has a documented medical exemption and, due to safety and health concerns, the child's needs could be met through homebound instruction, then under 34 CFR §300.503(a)(1), the LEA must issue a prior written notice proposing the change in placement ([OSEP Guidance A-4](#)) and complete an IEP amendment consistent with the requirements of [OSSE's IEP Amendment Policy](#) reflecting the student's change in placement and revised services, including specialized instruction and related services, as appropriate. To ensure the LEA is meeting these obligations, the LEA must timely notify a student's IEP team of an approved medical exemption so an IEP team meeting can be convened as appropriate. For more information regarding students attending nonpublic schools who have medical exemptions, please see Question 21. For more information on medical exemptions and to access the required medical certification form, please see [OSSE's Guidance and Resources for COVID-19-related Closures and Recovery](#).

**Q2: How should homebound special education and related services be provided to a student with a disability who has a medical exemption from in-person instruction during the 2021-22 school year?**

**A:** LEAs should continue to provide, to the greatest extent possible, the special education and related services identified in students IEPs ([OSEP Guidance A-1](#)). As part of the placement determination discussed in Q1, the IEP team must also consider any needed modifications or alternatives to make the curriculum and services accessible to students with disabilities (See [USED Supplemental Fact Sheet p. 2; OSEP Guidance A-1](#)). In doing so, LEAs must make decisions that take into consideration the health, safety, and well-being of all their students and staff ([USED Supplemental Fact Sheet, p. 1](#)). LEAs should consider the availability of distance learning materials through multiple modalities (e.g., synchronous or asynchronous virtual instruction, US Postal Service, electronic format, in-person pick-up, etc.) as part of needed modifications or alternatives to make the curriculum accessible to students with disabilities. LEAs should additionally deploy flexible options for students to return work completed during distance learning.

Homebound services may include instructional telephone calls, homework packets, internet-based lessons, and other distance-based learning approaches. In determining the appropriate homebound services, an IEP Team should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. LEAs are required to take attendance for students receiving homebound instruction.

The IEP Team should consider the individualized needs of the student and the impact of the student's disability on their ability to access homebound instruction. Homebound instruction may be delivered through distance learning models. IEP Teams should also consider whether the student requires assistive technology devices or services to access homebound instruction or distance learning opportunities. Assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain,

or improve the functional capabilities of a child with a disability. The term does not include a medical device that is surgically implanted or the replacement of such device. (34 CFR §300.5)

### **Return to In-Person Instruction**

#### **Q3: Are LEAs required to hold IEP Team meetings or complete IEP amendments for students with disabilities who are temporarily receiving distance or hybrid<sup>1</sup> learning due to COVID-19?**

**A:** IEP revisions are needed when a student with a disability is doing something different from the rest of their classmates, including if a student is out of school for an extended period of time (generally considered to be more than 10 days) due to illness or exposure to COVID-19 and the school remains open ([OSEP Guidance A-2](#)). An LEA can provide FAPE to students with disabilities through distance or hybrid learning models, even if some services are provided in a different manner than they are typically provided ([USED Supplemental Fact Sheet p. 1-2](#)). LEAs should provide any needed modifications or alternatives to make the curriculum and services accessible to students with disabilities ([USED Supplemental Fact Sheet p. 2](#)). Services that are not able to be provided should be addressed through an IEP Team meeting when the student returns to in-person instruction ([See OSEP Guidance A-3](#)). When necessary, OSSE encourages LEAs to conduct meetings via phone or video conference and to remain flexible and creative in their strategies to engage parents in these conversations. Alternatively, a parent of a child with a disability and the LEA may agree not to convene an IEP Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the student's current IEP ([OSSE IEP Amendment Policy](#)). OSSE reminds LEAs that IEP revisions should be based on student-specific needs, not services available through an LEA's distance or hybrid learning program. Please see the OSSE IEP Amendment Policy for additional information on the IEP amendment process, including procedures for completing IEP amendments with and without holding IEP Team meetings ([OSSE IEP Amendment Policy](#)).

#### **Q4: How should LEAs address medically fragile students returning to in-person instruction?**

**A:** In preparation for the reopening of school buildings, IEP teams should convene, as appropriate, to determine the accommodations and modifications students identified as medically fragile may need to equitably access educational opportunity and amend their IEPs. When determining appropriate supports or placements for students identified as medically fragile, IEP teams should consult with the student's healthcare provider.

#### **Q5: What are an LEA's obligations if students or classrooms are ordered to quarantine and students cannot attend in-person instruction?**

**A:** If a student with a disability has an extended absence from school (generally more than 10 consecutive school days) because the student has been advised, requested, or required to stay away by public health authorities (including if the student has a medical exemption for COVID-19), the student's IEP Team must convene to review the student's placement determination as described in Q1 and Q2. If a student with a disability is absent from school for fewer than 10 consecutive school days or the school or classroom closure is for fewer than 10 consecutive school days, and the school or LEA is offering any educational opportunity including distance learning, the LEA must ensure that students with disabilities have equal access to such opportunities. If the school or LEA does not provide any

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<sup>1</sup> "Hybrid" learning is alternating between distance and in-person environments. (See OSSE Guiding Principles for Continuous Education at p. 1, available at: [osse.dc.gov/sites/default/files/dc/sites/osse/page\\_content/attachments/Guiding%20Principles%20for%20Continuos%20Education%206.30.20.pdf](https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/Guiding%20Principles%20for%20Continuos%20Education%206.30.20.pdf))

educational services to the general student population during a closure of fewer than 10 consecutive days, then an LEA would not be required to provide services to students with disabilities during that same period. ([OSEP Guidance A-1](#))

Regarding service delivery for such students, school administration officials and the student's IEP Team, in consultation with public health officials, must determine whether the student is available for instruction and would benefit from such instruction during the period of any absences. As part of its considerations, the IEP Team should follow appropriate health and safety guidelines to assess and address the risk of transmission in the provision of such services. ([OSEP Guidance A-2](#)) See Questions 8-10 for information on compensatory services for students who do not receive services for an extended period of time.

### **Documenting Remote Service Provision**

#### **Q6: How should service providers document the provision of related services in the Special Education Data System (SEDS) during periods of distance or hybrid instruction? (Q42; Dec. 15, 2020)**

**A:** LEAs and service providers are required to document the provision of related services in the same manner as if instruction was occurring in-person. Service providers and IEP teams should regularly review service trackers to ensure students are receiving related services in accordance with their IEPs. In accordance with [OSSE's Related Services Policy](#), the LEA must always consider the impact of missed services on the student's progress to ensure the continued provision of FAPE. The following are a few common scenarios related to service provision during distance or hybrid learning:

- Student does not attend scheduled related services session: If a student does not attend a scheduled related services session, the service provider should document the service as attempted but the student was unavailable.
- Student attends a portion of a virtual related services session: If a student fails to attend a portion of a virtual related services session, service providers should document the portion of the services provided. For example, if a student attends 30 minutes of a 60-minute session, the service provider should document 30 minutes of delivered services and 30 minutes of attempted services but the student was unavailable.
- Parent requests to "pause" or "stop" related services for a period of time: These services should be documented in the student's SEDS record as services attempted but the student was unavailable due to parent request to resume services on a date or event. The LEA is encouraged to continue documenting attempted service provision for later consideration of makeup services and the impact on FAPE if the student continues to miss services. The LEA should ensure appropriate documentation of this request through prior written notice (PWN).

### **Compensatory Services**

#### **Q7: What are compensatory services?**

**A:** The IDEA does not specifically address compensatory services; rather, compensatory education services is a notion developed by courts as an equitable remedy for denials of FAPE. Compensatory education services are intended to put the child in the position he or she would have been in had the LEA provided the services in the first place (*Reid v. Dist. of Columbia*, 43 IDELR 32 (D.C. Cir. 2005)). Within the context of COVID-19, compensatory services may be appropriate when the failure to provide services due to periods of school closure or distance instruction resulted in a denial of FAPE for a student. LEAs have broad flexibility through the IEP Team process to discuss and make an individualized

determination with regard to whether and what compensatory services are needed and how they should be provided.

**UPDATE (Nov. 2, 2021):** On Sept. 30, 2021, the US Department of Education, Office of Special Education and Rehabilitative Services (OSERS) released the [Return to School Roadmap: Development and Implementation of Individualized Education Programs in the Least Restrictive Environment under the Individuals with Disabilities Education Act](#) which addresses a variety of topics related to IEP implementation, including the individualized determination and provision of compensatory services. In its guidance, the US Department of Education states, “It will be critically important for IEP Teams to make individualized decisions about each child’s present levels of academic achievement and functional performance and determine whether, and to what extent, compensatory services may be necessary to mitigate the impact of the COVID-19 pandemic on the child’s receipt of appropriate services.” In light of this guidance, OSSE rescinds Q8 and Q9 below and strongly encourages LEAs to review the US Department of Education guidance for more information on obligations and considerations related to compensatory services, which can be found in [Section D: Determining Appropriate Measurable Annual Goals & Considering the Child’s Need for Compensatory Services](#).

**Q8: When is an IEP team required to make a determination regarding a student’s need for compensatory services?**

**A:** If a student does not receive services for an extended period of time (generally more than 10 consecutive school days), an IEP Team must make a subsequent individualized determination to decide whether a student with a disability requires compensatory services to make up for any skills that may have been lost because the student did not receive educational benefit. ([OSEP Guidance A-2](#)) This could result from extended school closure, inability to provide one or more of the student’s IEP services that could not be provided through distance learning, a delay in provision of services during transitions between in-person and distance instruction, or the student’s unavailability to receive services due to sickness or other concerns ([OSEP Guidance A-1, A-2, A-3, A-4, USED Supplemental Fact Sheet p. 2](#)). LEAs will need to convene the IEP Team to make an individualized determination whether compensatory services are needed when in-person instruction resumes (including when the student returns to school following a period of extended absence or distance instruction during which services were not provided, or the school reopens following a period of closure or distance instruction during which services were not provided).

**Q9: When LEAs return to in-person instruction, will LEAs be required to consider compensatory services for every student who has an IEP?**

**A:** No. Previous guidance on this issue did not differentiate between instances in which students did not receive any services and instances in which students received services through distance or hybrid learning. IEP teams must make individualized determinations of whether and to what extent a student needs compensatory services only in the event that no services were provided to the student due to school closures, impossibility of service provision, or student absence. ([USED Supplemental Fact Sheet p. 2; OSEP Guidance A-2](#)) If the student received educational benefit through distance learning and remote service provision, the IEP team is not required to consider compensatory services. However, IEP teams may consider the need for compensatory services any time a student misses services, and if requested by a parent.

**Q10: What should IEP teams consider when making determinations regarding compensatory services?**

**A:** Whether and to what extent each student receives compensatory services, is an individualized determination made by the student's IEP Team ([USED Supplemental Fact Sheet p. 2](#)), and such determination “must be made under applicable standards and requirements”. ([OSEP Guidance Question A-2](#)). The IDEA and District of Columbia requirements do not provide for established standards or criteria to determine eligibility for compensatory services. Generally, the IEP team may review student progress data to determine skill regression or lack of progress due to missed services. If the IEP team determines compensatory services are necessary to address a denial of FAPE resulting from missed services, it should also determine the type, amount, frequency, duration, and location of compensatory services. Please also see [Question D-5](#) in the U.S. Department of Education’s [Return to School Roadmap: Development and Implementation of Individualized Education Programs \(Sept. 30, 2021\)](#) for additional guidance on IEP team considerations when making decisions regarding compensatory services.

**Q11: How should compensatory services be provided?**

**A:** Compensatory services can come in many forms and must be individualized to the student’s unique circumstances. Compensatory services are not required to be a minute-by-minute match of the originally proscribed service. IEP teams have discretion to determine what compensatory services are appropriate to address the specific needs of a student. For example, an IEP Team could decide to provide compensatory services before or after school or on the weekends, or to increase the student’s IEP hours or services for a time-limited and time-certain period.

**Q12: How should compensatory services be documented?**

**A:** Because compensatory services are provided in addition to the student’s IEP services, the IEP team should not update the student’s IEP by adding hours or services to account for compensatory services. Otherwise, LEAs and IEP teams have discretion to document compensatory services as appropriate. IEP teams may document compensatory services eligibility determinations, service decisions, and service provision in separate documentation that is uploaded into the student’s Special Education Data System (SEDS) file under Miscellaneous Documents. Separate documentation could include informal meeting notes or formal written agreements with parents.

**Q13: What are the differences between accelerated learning, compensatory services, and extended school year services (ESY)? (Q16; June 14, 2021)**

**A:** Accelerated learning is the District’s approach to recovery services which focuses on placing unfinished learning in the context of new learning, integrating both new information and the needed prior knowledge at the same time. Accelerated learning is not limited to special education services and will be implemented for all students. Accelerated learning addresses interrupted instruction, including learning loss or skill regressions, caused by shifts in instruction due to COVID-19. Compensatory services, which are intended to put the child in the position he or she would have been in had the LEA provided the services in the first place (*Reid v. Dist. of Columbia*, [43 IDELR 32](#) (D.C. Cir. 2005)), are separate and distinct from extended school year (ESY) services, which are intended to prevent significant loss of the benefits gained during the regular school year during school breaks ([OSSE ESY Policy p. 2-3, March 10, 2011](#)). However, this would not prevent the IEP Team from adding compensatory services into the student’s regular ESY programming, as long as they do not interfere with it. The IEP Team can also decide that the LEA will provide compensatory services to a student at the same time and place the LEA is providing ESY services to other students.



**Q14: When must compensatory services decisions be made for individual students, and when may the delivery of compensatory services begin? (Q18; June 14, 2021)**

**A:** IEP Team decisions regarding compensatory services and the timeframe for the delivery of compensatory services resulting from circumstances related to COVID-19 should be individualized. The US Department of Education has acknowledged that once school resumes (meaning, once a school reopens following a period of closure where students received no educational benefit), IEP Teams must make individualized determinations as to whether compensatory services are needed to address lapses in services ([OSEP Guidance Question A-1](#), [USED Supplemental Fact Sheet at p.2](#)). LEAs should continue to collect student data during periods of distance and hybrid learning, and incorporate information learned from data collection into LEA-wide and student-level recovery planning. In doing so, the LEA will be positioned to assess and mitigate student regression. LEAs should additionally incorporate into recovery planning, the resources needed and the timeframes that IEP Teams will be expected to meet to make individualized compensatory services decisions.

Accelerated learning should occur in the context of a continuum of supports, designed to deliver these services synchronous with daily instruction and consistent with an LEA's continuous education plan. Compensatory services should be considered by IEP Teams to address what accelerated learning cannot.

LEAs are encouraged to communicate transparently with families regarding student-level recovery planning, including anticipated timeframes for compensatory education discussions and service delivery, as appropriate. IEP Teams should make individualized decisions regarding when a student's compensatory services should begin and end, and the modality and method of receipt of those services. Please see OSSE's [March 25, 2020 IDEA Part B FAQ at Q11](#), and [April 15, 2020 IDEA Part B FAQ at Q3, Q4, and Q5](#) for additional guidance on IEP Team decision-making related to compensatory services.

**Q15: For students transferring between LEAs, is the previous or new LEA of enrollment responsible for the delivery of services contemplated to mitigate student regression and contribute to recovery of loss of learning that may have occurred during school closure due to a public health emergency? For the delivery of compensatory services? (Formerly Q19)**

**A:** The previous LEA is responsible for the determination and delivery of compensatory services, as appropriate, to compensate for periods of lapsed service delivery, regardless of whether or not the student remains enrolled at the LEA. LEAs are encouraged to draw on existing student data from the previous LEA of enrollment in conducting these activities. LEAs should consider the previous LEA's recovery planning for the student during the IEP review and revision procedures for students transferring into their LEA as discussed in detail in [OSSE's IEP Implementation for Transfer Students Policy](#).

**Q16: Can LEAs provide compensatory services through ESY? (Formerly Q32)**

**A:** IEP Teams may add compensatory services into a student's regular ESY programming, as long as they do not interfere with it. Please see above for additional information.

**Accelerated Learning for Students with Disabilities**

**Q17: What should LEAs do to address interrupted instruction, or a loss of instruction or regression of skills caused by COVID-19-related closures or distance instruction, for students with disabilities? (Q42; June 14, 2021)**

**A:** District LEAs are expected to address interrupted instruction through accelerated learning as provided in OSSE's Guiding Principles for Continuous Education. LEAs should consider accelerated

learning with disabilities within the context of a student's IEP, including whether and how the student's IEP supports the student in accessing accelerated learning. If the LEA believes that a student may need additional special education services to address interrupted instruction, learning loss, or skill regression, an IEP team meeting should be convened to discuss what additional services, supports, or accommodations may be needed. Similarly, if a student's parent requests an IEP team meeting to discuss accelerated learning or a student's learning loss resulting from instructional shifts due to COVID-19, the LEA should convene an IEP team meeting. If a student did not receive educational benefit due to an extended school closure, the inability or impossibility of providing services through remote or virtual instruction (distance learning), or the student's unavailability to receive services due to illness or other concerns, the IEP team should consider whether compensatory services are necessary.

**Q18: How should LEAs develop accelerated learning plans for students with disabilities? (Formerly Q43; June 14, 2021)**

**A:** LEAs must develop plans for accelerated learning for the entire student population, consistent with OSSE's Guiding Principles for Continuous Education. LEAs should assess students' current levels of performance, designate or design appropriate accelerated learning instructional approaches, and provide accelerated learning to address any learning gaps resulting from interrupted instruction in the 2019-20 and 2020-21 school years. LEAs should communicate information to families about any regression experienced by their student and plans to address student-level regression through accelerated learning. As appropriate, IEP teams should review student IEPs to ensure students with disabilities have access to the supports, accommodations, and services necessary to ensure the student can access accelerated learning. If an LEA or IEP team believe the IEP may not be sufficient to facilitate the student's accelerated learning, or if the parent requests a meeting, the LEA must convene an IEP team meeting to consider whether an IEP amendment is necessary.

**Q19: How should LEAs communicate with parents of students with disabilities about accelerated learning? (Formerly Q44; June 14, 2021)**

**A:** LEAs should make publicly available the LEA- or school-wide plans for accelerated learning and communicate with parents of students with disabilities regarding accelerated learning generally, and specifically how the student's IEP will support the student in accessing accelerated learning. LEAs are strongly encouraged to maintain clear and open communication with parents during this time, including being responsive to parent requests for IEP team meeting to discuss a student's needs or services.

**Q20: How should accelerated learning be documented for students with disabilities? (Q45; June 14, 2021)**

**A:** LEAs should document special education service delivery as usual in SEDS and note connections between accelerated learning plans and special education service delivery in related service logs and IEP progress reports.

**Students Placed in Nonpublic Schools**

**Q21: How do medical exemptions apply to students attending nonpublic schools?**

**A:** Consistent with Q1, a medical exemption for a student with a disability attending a nonpublic school constitutes a change in placement. As such, the IEP team must convene a meeting to determine the student's placement and update the student's IEP accordingly. LEAs and nonpublic schools may collaborate regarding the provision of services for students attending nonpublic schools who have

medical exemptions; however, the LEA remains responsible for ensuring FAPE for the student. Please see Q1 for more information.

**Q22: Are there any changes to the nonpublic placement process for the 2021-22 school year?**

**A:** *Change in Placement (CIP) Meetings:* CIP meetings will be conducted through a virtual platform (e.g., Skype, Microsoft Teams) or via conference call. OSSE will coordinate with the LEA and families to determine the best modality for the meeting.

*Parent Consent:* OSSE will accept parental consent typically captured when a decision is made to place a student at more restrictive nonpublic school placement in one of the following ways:

- Scanned/or emailed signed copy of OSSE’s Location Assignment Process Consent Form;
- Email notification from the parent of elements contained in OSSE's Location Assignment Process Consent Form; or
- Verbal consent provided via phone from the parent, of elements contained in OSSE’s Location Assignment Process Consent Form.

*Location Assignment Process:* OSSE will continue its standard practice of working with the LEA and IEP teams and ensuring parental participation in the identification of nonpublic schools (that hold an OSSE-issued certificate of approval [COA]) for referral. Nonpublic school admissions may continue to be conducted virtually, including school visits by parents and student interviews. OSSE will not delay the location assignment process if nonpublic schools conduct admissions virtually and will inform parents of any changes to admissions practices.

*Travel to Residential Schools:* For residential schools that are still receiving new students, OSSE is deferring to the parent, guardian, or custodian, in collaboration with the LEA, on whether they are comfortable with transporting the student. A parent, guardian, or custodian who chooses to transport a student does so at his/her own risk and risk to the student. Should the student be transported, then OSSE standard travel guidelines are applicable. If a delay in travel occurs, all parties including OSSE should be informed as soon as possible to assess the continued availability of the admission once safe travel can be arranged.

**IDEA Monitoring and Flexibilities for the 2021-22 School Year**

**Q23: What IDEA monitoring activities should be expected during the 2021-22 school year?**

**A:** OSSE will resume normal monitoring activities for the 2021-22 school year. Please visit the OSSE website for the IDEA Part B Monitoring Activities Schedule.

**Q24: Can Special Education Data System (SEDS) users continue to use alternative means for parents to provide signature on required documents during a period of distance learning? (Formerly Q4)**

**A:** Yes, 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 (PWN). For example, if a parent provides a scanned copy of the parent’s signature consenting to hold a virtual IEP team meeting, the LEA should document that agreement in a PWN.

In instances where electronic signature is used, LEAs must take steps to ensure the integrity of the consent process, including using an electronic signature format that identifies and authenticates a particular person as the source of the signature and indicates such person's approval of the information contained in the electronic consent.

**Q25: Can eligibility and IEP team meetings still be held virtually? (Formerly Q41)**

**A:** Yes. Consistent with the IDEA requirements related to parent participation (34 CFR 300.322(c)), if a parent cannot attend an IEP Team meeting, the LEA must use other methods to ensure parent participation, including telephone calls or video conferencing, consistent with § 300.328 (related to alternative means of meeting participation). Eligibility meetings and other IEP team meetings may be conducted virtually, as appropriate. If a parent cannot or repeatedly refuses to participate in virtual meetings, the LEA is encouraged to document in the student's Communication Log in SEDS efforts to schedule meetings and parental refusal or inability to participate. Such documentation may later be used as evidence of noncompliance with timelines due to parental delay.

**Q26: Can students continue to use LEA-provided technology and devices for purposes other than accessing educational services? (Formerly Q34)**

**A:** LEAs may establish policies for student use of LEA-provided technology and devices. For students who participate in Medicaid-reimbursable telehealth services, LEAs should consider revising LEA technology use policies to allow students to use LEA-provided technology or devices to access such telehealth services. LEAs should notify families that LEA-provided technology or devices may be used to access telehealth services for eligible students so long as such devices are used in compliance with security requirements and codes of conduct, and that LEA-provided devices remain available to enrolled students accessing distance learning.

**Q27: What is the procedural timeline for LEA completion of initial evaluations, triennial reevaluations, and annual IEP meetings delayed by circumstances related to COVID-19 upon return to normal operations? (Formerly Q6)**

**A:** OSSE recognizes that LEAs will experience an unprecedented volume of workload related to IDEA compliance and updates to student programming upon return to in-person operations. LEAs should resume all activities delayed by circumstances related to the public health emergency as soon as possible and are expected to adhere to procedural timelines moving forward. As part of recovery planning efforts, LEAs should identify delays due to student unavailability and impossibility and consider on a student-by-student basis a reasonable timeline for completion of the required activity (e.g., initial evaluation, reevaluation, IEP revision, etc.). In doing so, LEAs should consider the availability of student data, student-level recovery planning, and LEA-wide recovery planning activities. LEAs should communicate anticipated timeframes for completion of delayed procedural activities to families.

OSSE reminds LEAs of the requirement to document delayed procedural timelines due to student unavailability or impossibility via PWN in the student's SEDS file ([OSSE IDEA Part B FAQ, April 15, 2020, Q6 and 7](#)). LEAs are required to meet the due dates established through mutually agreed to extensions of time between the LEA and parent. LEAs are reminded that mutually agreed to extensions of time must also be documented via PWN in the students' special education data system file. Moving forward, LEAs are expected to adhere to procedural timelines; LEAs and parents may only agree to extensions in the rare instance of student unavailability or impossibility of completing procedural requirements due to COVID-19.