



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

Guidance Related to Coronavirus (COVID-19): IDEA, Part B Provision of FAPE

Background

As a part of the District's response to the coronavirus (COVID-19) outbreak in the United States, OSSE is offering this guidance document to accompany guidance issued by the U.S. Department of Education, Office of Special Education Programs (OSEP) on ensuring a free appropriate public education (FAPE) during the coronavirus (COVID-19) outbreak, which can be accessed [here](#).

Scope

This document contains guidance on local education agencies (LEAs) responsibilities under Part B of the federal Individuals with Disabilities Education Act (IDEA) relating to the provision of FAPE. 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 issued on March 12, 2020, and will remain in effect until further notice.

Guidance on the Provision of FAPE

Generally, an LEA continues to have the obligation to provide FAPE to a student with a disability during absences arising from a public health emergency. If an LEA closes its schools to slow or stop the spread of coronavirus (COVID-19), and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. When school resumes, an IEP team must make a subsequent individualized determination to decide whether a student with a disability requires compensatory education to make up for any skills that may have been lost because the student did not receive educational benefit. If an LEA continues to provide educational opportunities to the general student population during a school closure, including distance learning, the LEA must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE.

In the event that 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, or the school has been closed at the request of public health authorities, the student's IEP team must convene to review the student's placement determination. Homebound instruction is on the continuum of placements that the IEP team should consider. If the IEP team determines that a change in the student's placement to homebound instruction is necessary, the team must 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. If neither parent can attend an IEP Team meeting, the LEA must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with 34 CFR §§300.322(c) and 300.328.

In regard to 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 guidelines to assess and address the risk of transmission in the provision of such services. Homebound services may include instructional telephone calls, homework packets, Internet-based lessons and other distance-based learning approaches. There may be exceptional circumstances that could affect how particular services are provided to children with disabilities during extended closures or absences.

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 education to make up for any skills that may have been lost because the student did not receive educational benefit.

As appropriate, IEP teams should consider including distance learning plans in a student's IEP that could be triggered and implemented during an extended student absence or school dismissal. Creating such a contingency plan before an extended student absence or school dismissal gives the student's service providers and the student's parents an opportunity to reach agreement as to what circumstances would trigger the use of the student's distance learning plan and the services that would be provided during the dismissal.

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.