

COVID-19 FREQUENTLY ASKED QUESTIONS FOR SCHOOLS AND DISTRICTS REGARDING SPECIAL EDUCATION

(Revised May 15, 2020)

Given the increasing number of cases of COVID-19 in Massachusetts, and out of an abundance of caution for the health and safety of children and school staff, Governor Baker [ordered](#) the suspension of all in-person instruction and other educational operations at all public and private elementary and secondary (K-12) schools in the Commonwealth, beginning on Tuesday, March 17.

Due to updated federal and state guidance and in alignment with the phases of work described below, the Department of Elementary and Secondary Education (hereafter “Department”) issues this updated and revised document on the implementation of special education services, superseding the previously released “Frequently Asked Questions” documents issued on March 17 and March 26, 2020.

[Four phases of work](#)

1. The first phase began in mid-March, when schools were required to close for three weeks. the Department’s priorities were focused on student safety, nutrition, and other basic needs of students, families, and educators. Meeting these needs continue to be a top priority.
2. The second phase started in late March, when schools were required to close through early May. The Department provided initial guidance to schools (on March 24) and a letter to families (on March 30) along with a list of educational resources for remote learning.
3. We are currently in the third phase. We now know that schools will be closed through the end of the school year (late June for most schools). Because of this, the Department released updated guidance on remote learning on April 24 to help schools strengthen local efforts.
4. The Department is now thinking ahead to the fourth phase, when students and staff will eventually re-enter school buildings. We are working with school leaders, and health and safety experts to plan and prepare for this next phase of instruction.

State and Federal Guidance:

- **State, March 17:** Governor Baker [ordered](#) a suspension of all in-person instruction and other school operations at all public and private elementary and secondary (K-12) schools in the commonwealth, that began on Tuesday, March 17. This mandated closure did not apply to residential and day schools for students with disabilities.

- **The Department, March 17:** Due to updated federal and state guidance and the suspension of in-person instruction through the end of the school year, The Department released a “Frequently Asked Questions” document.
- **Federal, March 21:** USED released a Supplemental Fact Sheet stating that during this national emergency “school districts must provide a free and appropriate public education (FAPE) 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.”
- **State, March 23:** The Governor’s Order was further amended on March 23, 2020 to include day schools and programs for students with disabilities.
- **State, March 25:** Governor Baker issued an [Order](#) extending the closure of in-person school operations until Monday, May 4, 2020 and directed “public schools to continue collaborative efforts to provide student access to alternative learning opportunities.”
- **The Department, March 26:** Office of Special Education Planning and Policy released an updated “Frequently Asked Questions” document.
- **State, April 21:** Governor Baker issued an [additional order](#) extending the closure of in-person school operations for public and private schools through the end of the school year, with the exception of residential special education schools. He directed “public schools to continue collaborative efforts to provide student access to alternative learning opportunities.”
- **The Department, April 24:** The Department issued detailed [guidance](#) on remote learning for all students. It builds on [previous guidance](#) to further define the recommended elements of a quality remote learning program, including a focus on teaching the content standards most critical for student success in the next grade level, and to encourage districts to move all students towards successful engagement in remote learning, with a focus on addressing fundamental needs.
- **Federal, April 27:** U.S. Secretary of Education Betsy DeVos issued a [report](#) to Congress, declining to recommend waivers to the core tenets of the Individuals with Disabilities Education Act (IDEA).

Educational Opportunities, Special Education, and Related Services

Q: How will districts provide educational opportunities, special education, and related services to students with disabilities while in-person instruction is suspended because of COVID-19?

The United States Department of Education (USED) has stated that during this national emergency “school districts must provide a free and appropriate public education (FAPE) 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.”ⁱ The Department recognizes that these unprecedented circumstances may affect how all educational opportunities, special education, and related services and supports are provided. While USED and the Department will offer flexibility where

possible, USED has emphasized that many disability-related accommodations, modifications, and services may be effectively provided remotely or online.

Schools may not be able to provide all instruction and services in the manner they are typically provided pursuant to students' IEPs. The provision of FAPE may include, as appropriate, special education and related services provided remotely through:

- Resources and Supports (such as strategies to support students and parents, projects and packets provided to students, and regular, ongoing communication from special education Team members, including general and special educators and related service providers), and
- Services and instruction (such as virtual, online, telephonic instruction, or teletherapy to a whole class, small groups, or individual students).

During this period when in-person instruction is suspended, districts should make every effort to use creative strategies to provide special education instruction and services to the extent possible. Moreover, any educational opportunities offered to the general student population, including enrichment activities and resources, must be made accessible to students with disabilities. For guidance and resources on educating all students, please see the Department's [Learning at Home webpage](#).

Q: What is the district's obligation to provide FAPE to students with disabilities during the suspension of in-person instruction?

It is important to emphasize that federal disability law allows for flexibility in determining how to meet the individual needs of students with disabilities. FAPE will look different during this unprecedented period of national and state emergency, because our top priority is to ensure the health and safety of students, parents/guardians, and school personnel. During this crisis, schools may not be able to provide all services in the same manner they are typically provided. However, many specialized instructional opportunities and related services may be effectively provided online or telephonically. Such forms of specialized instruction may include, for instance, accessible reading materials, speech and language services through video conferencing, ABA teletherapy, and videos with accurate captioning. Moreover, districts may continue to implement many of the accommodations on a student's IEP, such as extensions of time for assignments, large print, and use of speech-to-text and other assistive technology.

Q. How often should districts communicate with parents and guardians during the suspension of in-person instruction?

The Department strongly recommends that districts cultivate excellent two-way communication with families. School districts should ensure that an IEP Team member (e.g., classroom teacher, special education teacher, or other service provider) communicates regularly with parents and guardians during this suspension of in-person instruction. The frequency and type of communication will vary depending on the child's individual needs, the availability of the Team member, and the mode of communication.

the Department recommends that school personnel document their communication with parents and guardians.

Ongoing communication will help educators, related service providers, and parents/guardians to develop a plan for students to receive as much individualized instruction and related services as is feasible through distance learning or other remote learning opportunities. Communication will also promote and sustain important connections between students and their teachers, a source of vital support and stability for students. Communication can include direct conversations, office hours, webinars for parents, among other things.

Q. How can districts notify and document the implementation of a student’s IEP while in-person instruction is suspended due to Covid-19?

Families need to be notified in writing of how IEP services will be provided while in-person instruction is suspended due to Covid-19. Examples of how this can be done include the use of an N1, remote learning plan, or other documentation. The Department has developed a sample remote learning plan that may be provided upon request.

Any notification should include how, when, and what specialized services are being provided, and should be dated to reflect when services began and when services are revised. Written notification of remote learning services does not constitute an IEP amendment, and students retain stay-put rights in their IEP. Though parental consent is not required to implement remote special education services, it is recommended for districts to keep families informed of any changes. Such documentation states the district’s effort to provide resources, support, services, and instruction. Districts can deliver notification of remote services to families in multiple ways, e.g., U.S. mail, email, student information systems, or online communication platforms.

Q: What types of services can be provided remotely?

USED has stated that the IDEA does not mandate specific methodologies. Where technology itself imposes a barrier to access or where educational materials simply are not available in an accessible format, educators may still meet their legal obligations by providing children with disabilities equally effective alternate access to the curriculum or services provided to other students. For example, if a teacher who has a blind student in her class is working from home and cannot distribute a document accessible to that student, she can distribute to the rest of the class an inaccessible document and, if appropriate for the student, read the document over the phone to the blind student or provide the blind student with an audio recording of a reading of the document aloud. The Department encourages parents, educators, and administrators to collaborate creatively to continue to meet the needs of students with disabilities. Consider practices such as distance instruction, teletherapy and tele-intervention, meetings held on digital platforms, online options for data tracking, and documentation. In addition, districts can provide resources and supports such as instructional packets, projects, and written assignments that are not dependent on students’ access to technology.

Q. How can related services be provided during the suspension of in-person education?

Related services can be provided remotely to students in accordance with the guidelines of their respective professional boards. See [March 31, 2020 Memo](#). Districts should document the provision of related services in their written notification to parents.

Q. During this crisis, must students have access to equipment pursuant to their IEPs?

Yes. Failure to ensure that students have access to necessary equipment as specified in their IEPs is a potential denial of FAPE. School personnel are permitted to enter school buildings to secure this equipment, per Exhibit A of Governor Baker's March 23, 2020 executive order listing essential services: "Educators and staff supporting public...K-12 schools...for purposes of facilitating distance learning...or performing other essential student support functions, if operating under rules for social distancing." Please contact your local Board of Health in case there are local concerns.

Q: How does the suspension of in-person instruction impact special education students who receive services in community-based settings and students who participate in inclusive concurrent enrollment programs at institutions of higher education?

Although it will not be possible for students to participate in-person in community-based programs and inclusive [concurrent enrollment programs at institutions of higher education](#), districts should make efforts to develop plans collaboratively with community-based providers, colleges, parents/guardians, and students in order for students to access as much programming as possible during this crisis.

Q: What must districts do to fulfill their responsibilities under IDEA equitable services?

[IDEA equitable services](#) requirements remain in effect during this period of school closures and remote instruction. Any changes in service delivery for eligible private school students requires school districts to engage in meaningful consultation with private school representatives and parents of parentally-placed private school students with disabilities and parents of eligible home school students. If changes are made to students' service delivery, districts will amend services plans in collaboration with students' parents. As part of consultation, school districts should discuss whether and how summer services could be offered to eligible private school students, and whether any unspent FY 20 funds will be carried over into FY 21.

Educational Resources

Q: How can educators and administrators find resources to support distance learning?

The Department has created and is continuously updating a spreadsheet with resources for educators and administrators, to assist them in their work with students and families. This [spreadsheet](#) can be

found on the COVID-19 [resources page](#) of the Office of Special Education Planning and Policy Development (SEPP).

In addition, the Department has created [remote learning guidance](#) and a [webpage](#) with educational resources for all students, including those with disabilities.

Nationally, USED has designated the [National Center for Systemic Instruction \(NCSI\)](#) as a resource hub for remotely-provided special education services and supports. NCSI's [resource library](#) has been specifically created to share instructional resources and service delivery solutions.

Monitoring Student Progress

Q: How can student progress be monitored during the suspension of in-person instruction?

Educators, service providers, parents, and students should review a student's IEP to review the goals and objectives that are being addressed during remote learning and identify the types of data that can be collected from the student, the family, and the home environment during this time of remote learning and develop a plan to collect ongoing data. Using the [basic tenets of progress monitoring](#), school staff can reimagine their roles in a remote context, e.g., by using a tracking sheet to collect data from student videos, by interviewing parents and students, or by using assessments. There are many resources to aid in this work, for example:

- [The Texas Education Agency Phase 4 Remote Learning Plan Monitoring](#)
- [Student Progress Monitoring Tool for Data Collection and Graphing](#)
- [Measuring and Reporting Progress Toward Mastery of Annual Goals](#)
- [Data Collection During Distance Learning](#)
- [Using Google Drive to Collect Data for IEP Goals](#)

Q: With school building closures and in-person instruction suspended because of COVID-19, what does this mean for the Spring 2020 administration of the MCAS and MCAS-Alt?

On April 10, 2020, Commissioner Riley cancelled this spring's regular administration of grade-level MCAS tests for students in grades 3-10. To allow this cancellation to occur, the state received a waiver from the federal government and the Massachusetts state legislature passed legislation in early April.

This cancellation includes the cancellation of the MCAS Alternate Assessment. Therefore, MCAS-Alt portfolios will not be submitted, scored, nor reported this school year. Educators may wish to maintain their students' portfolios and use the data and evidence that was already compiled as a starting point to determine students' levels of knowledge and skills now and once schools reopen, including to inform your instruction, determine areas in need of reinforcement, and develop progress reports.

Q: How does the cancellation of the Spring 2020 administration of the MCAS impact competency requirements for the Class of 2020?

The Board of Elementary and Secondary Education has voted to temporarily modify the competency determination requirement for current high school seniors during the COVID-19 emergency. Under this change, seniors who have not passed one or more of the high school MCAS tests will be able to earn the competency determination through successful completion of a relevant high school course. More information is available [here](#).

For current high school seniors, as well as other actively enrolled students who were on track to graduate in the 2019-2020 school year (including the summer of 2020), the competency determination would be awarded in each subject as follows:

- For English language arts and mathematics — upon district certification that the student earned credit this year for a course aligned to the curriculum frameworks in the relevant subject matter and has demonstrated competency in that subject. For students who were not enrolled in a course in the needed subject area during this school year, DESE the Department will examine relevant coursework the district identifies for which the student received credit in previous school years.
- For science and technology/engineering – upon district certification that the student earned credit for a course aligned to the curriculum frameworks in the relevant subject matter and has demonstrated competency in one of the four tested disciplines (biology, chemistry, introductory physics, and technology/engineering) in either the current school year or a prior school year.

Q: How does the cancellation of the Spring 2020 administration of the MCAS impact competency requirements for students with disabilities who do not meet the criteria referenced in the previous question?

For general guidance on graduation for students with IEPs, please see the Department’s 2018 advisory, [Secondary Transition Services and Graduation with a High School Diploma](#).

If students with disabilities who are not 12th grade students (e.g., 20-year-old students) were planning to take MCAS this spring and had an anticipated graduation date on their IEPs of spring or summer 2020, they can be eligible for the modified competency determination criteria.

Schools should also keep in mind that the [MCAS appeals](#) process is still available.

IEP Meetings, Timelines, and Other Procedural Requirements

Q: Do schools need to make changes to the student’s IEP in order to provide services during the COVID-19 crisis?

No. It is not necessary to convene an IEP Team to provide learning opportunities and remote services to students with disabilities during this time when in-person instruction is suspended because of the COVID-19 pandemic. Additionally, it is not necessary to amend the IEP for the purpose of delivering remote services. Please see the *Educational Opportunities* section above for the Department’s recommendation on notification of remote learning implementation.

Q: How should districts respond if families do not respond to outreach or refuse services?

In these cases, districts should document all attempts to engage students and families. If a parent/guardian rejects services, districts should ask that they put this rejection in writing via letter, email, or text. Districts should make repeated and varied attempts to engage students and families.

Q: Can the Department offer flexibility to districts on meeting procedural timelines?

On April 27, 2020, U.S. Secretary of Education DeVos issued a report to Congress, declining to recommend waivers to the core tenets of the Individuals with Disabilities Education Act (IDEA). This means that procedural timelines remain in effect. The Department does not have the authority to supersede federal law.

The Department encourages districts to approach timelines with a student-centered approach, rather than a district-wide one, to ensure that each individual student’s circumstances are considered. The Department also encourages districts to communicate clearly and collaborate closely with families to as much as possible reach consensus on timeline extensions, as necessary, carefully documenting the timelines decision process. The Department is developing and will soon be releasing more specific guidance on this topic.

Q: A student’s IEP expires during the period when in-person instruction is suspended. Will the IEP still be in effect?

Yes. The current IEP will remain in effect until a new IEP is developed and accepted, irrespective of the expired date reflected in the IEP form.

Q: If the annual review of a student’s IEP is due, or if an IEP Team determines an IEP meeting is needed, how should the district hold the meeting if in-person meeting is not possible due to the stay at home orders and Team members can’t meet face-to-face?

[IDEA regulations](#) allow IEP meetings to be held via telephone and/or video conference. Holding a telephone or video IEP meeting is not an unprecedented or extraordinary measure and was already

contemplated by the IDEA. Districts can convene IEP Team meetings using these alternative means of meeting participation. To convene an IEP meeting using telephone or video conferencing, districts must ensure that all IEP Team members, particularly those whose participation is required under IDEA, have access to necessary technology and accommodations to allow remote participation. Rather than using personal telephone lines or cell phones, school personnel may choose to use a third-party platform. Districts should also ensure that interpreters and translated materials are provided for IEP Team meetings when the parents' primary language is not English.

If [required members of the IEP Team](#) are unable to attend, IDEA regulations provide that team members can be excused with agreement from the family, if:

1. The district and the family agree, in writing, that the attendance of the Team member is not necessary because the member's area of the curriculum or related services is not being modified or discussed; Or
2. The district and the family agree, in writing, to excuse a required Team member's participation and the excused member provides written input into the development of the IEP to the family and the IEP Team prior to the meeting.

Q: Should schools continue to issue student Progress Reports?

Yes. School districts, collaborative programs, and approved special education schools must continue to issue student Progress Reports. Where the term ended during the suspension of in-person education, Progress Reports should be issued for the period up to the end of term. Where the new term begins during the suspension of in-person instructions, schools should issue end-of-year Progress Reports based on remote learning. Progress Reports should be sent to families in multiple ways, e.g., U.S. mail, email, student information systems, or online communication platforms, and be translated for families.

Q: Should schools continue to maintain student health records?

Yes. Even though not all schools maintain electronic health records, schools should continue to maintain nursing documentation per the Department of Public Health (DPH). Records can be maintained through paper logs and/or by entering calls into the Student Information Management System (SIMS). DPH understands that it may not be possible for nurses to transfer all paper logs into electronic systems when schools resume in-person operations.

Q: Should schools continue to submit Chapter 688 referrals for secondary students with severe disabilities?

Yes. Schools should make every effort to continue to submit [Chapter 688](#) referrals via the [Virtual Gateway](#). These referrals are essential so that agencies (DDS, MRC, DMH, MCB, DCF, MCDHH) can request the right amount of funding from the legislature to serve students with disabilities who will turn 22 and are eligible for agency services. 688 referrals should be completed by the school two years before the student's anticipated date of exit, but even late referrals are useful.

During the COVID-19 crisis, schools should submit with the referral form, at a minimum, the student's most recent IEP and three-year evaluation. Parent consent during this emergency can be in the form of wet signature or e-signature, email, or verbal consent documented in school or agency staff notes. Questions about 688 filing or referral should be sent to: Kathy Stern, Bureau of Transition Planning, 857-352-1741 or kathleen.stern@mass.gov.

Q: Given the sudden cessation of in-person instruction in March 2020, can the Department require schools and districts to continue to provide special education services to students with disabilities who turn 22 during the crisis?

No. Under IDEA, the Department does not have the authority to require all schools and districts to continue to provide special education services to students with IEPs past the age of 22. However, on a case-by-case individualized basis, schools and families, preferably in coordination with any appropriate adult-serving agency, may reach agreement that a student's transition to adult life will be delayed. This flexibility is always available, during the COVID-19 crisis, or during regular times. The Department recommends that schools and families engage in thoughtful, collaborative planning around this issue.

Although federal law does not permit schools to use IDEA funds to provide special education services beyond the end of entitlement at age 22, districts have the discretion to use local funds for this purpose. In addition, CARES Act Emergency Relief Funds may be available and can be used for a wide variety of purposes.

Out-of-District Placements and Approved Special Education Schools and Programs

Q: Must public and private approved day or residential programs comply with the Governor's order to close in-school operations?

While public and private residential and day special education schools were not included in the Governor's March 15, 2020 order requiring the suspension of in-person instruction and other in-school educational operations, day special education programs were subsequently included in the Governor's March 23, 2020 order.

Q: How can residential programs for students with disabilities maintain health and safety during the COVID-19 outbreak?

The health and safety of the students and employees in residential schools is of utmost concern during the COVID-19 outbreak. The Executive Office of Health and Human Services (EOHHS) issued [guidance](#), most recently updated on April 14, 2020, addressing the specific procedures and protocols for residential, congregate care, and shelter providers. This guidance includes background on COVID-19, protective measures, ways to mitigate the risk of spreading COVID-19, cases and suspected cases in residents or employees, and information on testing, reporting COVID-19 cases, providing care to

residents, personal protective equipment, deep cleaning, and monitoring the emotional health of employees. [EOHHS](#) will update this guidance as needed.

Q. What do districts need to know about tuition payments for out-of-district day or residential special education programs and “circuit breaker” reimbursement?

[On March 27, 2020](#), Commissioner Riley issued an “[On the Desktop](#)” to all Superintendents, Charter School Leaders, Assistant Superintendents, Collaborative Leaders, Executive Directors of Approved Special Education Schools, and School Business Officials, stating that “It is our expectation that school districts will continue to provide tuition payments to day and residential special education programs to maintain this essential system capacity and promote continuity of service for students to the greatest extent possible. Most residential schools remain open, and day programs have agreed to continue providing learning opportunities and services to students remotely during this period. The tuition payments will be eligible for reimbursement under the circuit breaker program if they exceed the statutory threshold and are otherwise eligible.”

On April 17, 2020, the Operational Services Division (OSD) provided further clarification with this notice: “Please note if special education services are being provided, the districts should be paying for these services as outlined in the [advisory issued by the Department on 3/27/2020](#). OSD has set current school year tuition rates for special education schools, which are non-negotiable. The Department has confirmed that tuition payments based upon OSD rates are eligible for circuit breaker reimbursement.” Please direct any questions regarding special education rate setting to OSD at Jacquiline.brown@mass.gov.

In addition, districts can pre-pay for up to three months of tuition for approved special education schools and up to three months of tuition and services for educational collaboratives.

State and Federal Monitoring and Assistance

Q: What is the status of the Department’s onsite monitoring and assistance activities during this time when in-school operations have been suspended?

The Department is suspending all monitoring and onsite assistance visits. We want you to focus on what matters most, which is keeping your students and staff safe. If you want our assistance, we will be happy to provide it virtually.

Q: Will data submission timelines be enforced for Tiered Focused Monitoring activities and State Performance Plan/Annual Performance Report indicators?

Self-assessments for the 2020-2021 Public School Tiered Focused Monitoring Reviews were originally due on May 1, 2020 **but are now due August 24, 2020**.

Indicator 7

See section on Early Childhood Special Education Services for more information.

Indicators 11, 12, 13

Due to federal reporting requirements, for Group A Tiered Focused Monitoring Reviews, the due date for submission of the Indicator 11, 12 and 13 data is June 8, 2020. Please contact Tim Gallagher at timothy.gallagher2@mass.gov with questions or to discuss the individual circumstances of your school

Indicator 14

Deadlines for Indicator 14 data submission have changed. Data collection is anticipated to begin in August, with a **submission date of November 16, 2020**. Districts in [Cohort 2](#) will use an online survey to learn about the further education and employment outcomes of their former students with IEPs. In July, the Department will issue more detailed instructions for this year's Indicator 14 data collection, including any possible updates. For additional information, please contact Amanda Green at 781-338-3368 or Amanda.C.Green@mass.gov.

Q: When will Web Based Monitoring System (WBMS) trainings be held for collaboratives and approved special education day and residential programs?

WBMS trainings began on March 3, 2020, and the remainder of the sessions were held via the ZOOM platform March 30-April 2, 2020. If any agency or program needs help in accessing the WBMS system, a refresher on navigating the WBMS system, or support completing the online self-assessment, now due August 24, 2020, please be sure to contact your program's assigned liaison or Liza Ahern, at Elizabeth.Y.Ahern@mass.gov.

Q: Will data submission timelines be enforced for program and mid-cycle reviews for collaboratives and approved special education day and residential programs in WBMS?

Self-assessments for the 2020-2021 WBMS data submission for collaboratives and approved special education day and residential programs **are now due on August 24, 2020**. Please contact Jannelle Roberts at: Jannelle.K.Roberts@mass.gov with questions or to discuss the individual circumstances of your collaborative or approved special education school.

Q: Were the deadlines extended for submission of the IDEA Part B supplemental grant or grant amendments?

The Department prioritized getting districts funding from the mid-year grant adjustments as soon as possible so that districts can continue to serve their school communities as effectively as possible. Therefore, the Department processed the FY20 IDEA 240 and/or 262 increase adjustments for districts any district who had not submitted or forfeited its adjustments. During late March, the Department's

federal grants team added the additional funds to the application's "SUPPLIES" line. Districts can amend to better align their adjustment to their budgeting needs. A number of districts still need to submit their updated signature page and amended application workbook with the updated allocation—please submit these to your Federal Grant Liaison as soon as possible. If you have any questions, please contact your [Federal Grant liaison](#).

Q: Given the COVID-19 situation, we may not be able to encumber our federal entitlement grant funds as anticipated. Will an extension be granted?

USED has not made a fiscal waiver available to extend the IDEA obligation period for FY19, as such these funds expire 9/30/20. Therefore, districts should expend all FY19 funds before expending any FY20 funds. If you need guidance on how you may do this, please contact your federal grant liaison. For FY20 Federal entitlement funds, IDEA has a carryover period. Usually, districts complete a multi-year delegation form in EdGrants to carry over eligible, unclaimed funds to the next fiscal year. Due to the COVID-19 situation, the Department submitted multi-year delegation forms in EdGrants on behalf of districts. All FY19 IDEA grants with a balance over \$100 will be extended to 9/30/20 and FY20 IDEA grants will be extended to 9/30/21. See the Grants Management [memo](#) and [slides](#) for details, posted [here](#). Please see the Federal Grant Programs ESSER page here for more information: <http://www.doe.mass.edu/federalgrants/esser/>

Q: Will the “circuit breaker” extraordinary relief deadline be extended?

The Department extended the deadline for extraordinary relief claims from March 31, 2020 to April 18, 2020 to facilitate districts' submission of claims.

Q: What is the status of CARES Act ESSER Fund applications for school districts?

All special education directors and school leaders were notified via email on Friday, May 8 that the [Fund Code 113RFP](#), inclusive of application materials, allocations, and related documentation, is now available.

Bureau of Special Education Appeals (BSEA) Information

Q: How should districts communicate with and send documents to the BSEA?

During the COVID-19 crisis, the BSEA is maintaining a skeletal staff onsite. Administrative tasks without timelines may take longer to fulfill (e.g., processing rejected IEPs and sending out hearing notices). If mailing or faxing documents is not feasible, notice of rejected IEPs can now be sent via email to BSEA at BSEArejectedIEPs@mass.gov. By contrast, hearing requests must still be faxed or sent via U.S. mail. No in-person deliveries will be accepted.

Q: Can parties obtain an extension of due process hearing timelines?

While the IDEA provides that a final decision on a due process complaint must be issued not later than 45 days after the expiration of the 30-day resolution period, a hearing officer can grant an extension of time beyond the required timelines at the request of either party for good cause. Reasons related to COVID-19 do not per se constitute good cause; the hearing officer will make a case by case determination on requests for extension.

Q: Are BSEA proceedings occurring remotely or in person?

Effective March 15, 2020, the BSEA is conducting all proceedings remotely until further notice. This includes mediations, facilitated IEP meetings, settlement conferences, pre-hearing conferences, and hearings.

Q: Will mediations that are scheduled with the BSEA occur during this period when in-school operations are suspended?

BSEA proceedings including mediations are occurring remotely until further notice. The BSEA will contact parties as the date of the scheduled proceeding approaches to make necessary arrangements.

Early Childhood Special Education (ECSE)

Q: Is there any specific guidance for submission of Child Outcome Summary (COS)/Indicator 7 data?

The deadline for submitting Child Outcomes Summary (COS) data for Indicator 7 remains June 30th. As districts have shifted to providing remote special education services and supports to students, ECSE programs can continue to report on each child's outcomes for Indicator 7. Any meetings you would typically have with team members to discuss progress and outcomes can, in most instances, be conducted remotely.

- The COS process can be used to inform progress toward IEP goals, for progress reports, and at annual IEP team meetings.
- If the team determines a remote meeting is not possible at this time (i.e., all team members cannot participate), team members should be notified and efforts to overcome the impeding circumstances and next steps should be discussed.
- A designated team member should document pertinent information (e.g., the situation, contacts with and attempts to contact the family, team decisions and plans including timelines) for internal district records and work with available team members to document each child's entry and exit ratings based on most current data and information available from multiple sources, including:
 - Information from multiple assessments and resources
 - information gathered from a partial team meeting
 - information from individual team members

- Data is due to the Department by June 30, 2020. Flexibility in that deadline will be granted, as needed. Contact both Martha Daigle (martha.s.daigle@mass.gov) and Carla Corina (corina.eval@outlook.com).
- For detailed information about conducting the COS process remotely, please refer to this resource from the Early Childhood Technical Assistance Center (ECTA):
<https://ectacenter.org/eco/pages/cos-distance.asp>

Additional resources for ECSE:

- Remote service delivery: <https://ectacenter.org/topics/disaster/tele-intervention.asp>.
- For families of young children with disabilities:
<https://ectacenter.org/topics/disaster/familiesathome.asp>.

Below are links to additional resources that may be helpful.

- For the latest guidance from the Department on remote learning, please see:
<http://www.doe.mass.edu/covid19/learn-at-home.html>
- The latest guidance from the Department regarding special education can be found here:
<http://www.doe.mass.edu/covid19/sped.html>.

If you have concerns about the submission, please contact both Martha Daigle at Martha.S.Daigle@mass.gov and Carla Corina at corina.eval@outlook.com to discuss individual circumstances.

Q: Will districts continue to receive referrals to Early Childhood Special Education (ECSE)??

Yes, school districts should continue to accept referrals from families, caregivers, and Early Intervention (EI) programs, in accordance with Child Find requirements. EI programs will refer all children who are potentially eligible for ECSE and who will be turning 3. EI regulations require the EI program to make referrals at least 90 days before the child’s third birthday.

Q. Do districts need to complete the eligibility process for children referred from EI?

Districts must accept and act on referrals from EI providers. This includes attending the virtual Transition Planning Conference (TPC), reviewing existing and EI assessments, and conducting an evaluation of the child in order to determine if the child is eligible for special education services.

Q. How can districts complete the eligibility process while working remotely?

School districts are encouraged to consider any and all evaluation information that is already available, and conduct additional assessments that are needed, as appropriate for the child under consideration.

Districts should make a decision regarding the feasibility of completing the eligibility determination process on an individual basis.

Districts can use the following guide for each child to determine if eligibility process can be completed.

Decision Points:

1. Can you determine eligibility using existing EI or other assessments?
 - a. If yes: Hold remote IEP meeting to determine eligibility and write IEP
 - b. If no:
Can you conduct remote assessments using interviews or observations?
(National Resource: <https://hml.fpg.unc.edu/Play/16497>)

If yes:
 - i. Conduct remote assessments to determine eligibility, whenever possible
 - ii. Provide services remotely with school district staff or in collaboration with EI staff

For some children, face-to-face assessments will be necessary to determine eligibility.

If assessments are not able to be completed, and the child has been identified as potentially eligible for ECSE, the following special considerations should be discussed with families:

- Provide remote learning opportunities in general education preschool, if available (may have financial implications).
- Consult with Regional Consultation Program (RCP) specialists to provide resources to families and/or school districts.
- Connect with Coordinated Family and Community Engagement (CFCE) grantees for families to receive supports and remote playgroup opportunities.
- Collaborate with local EI programs on how to support the transition. With concurrence from the family, EI programs may complete additional assessments that may facilitate the process for determining eligibility. The EI program may request a waiver from the DPH to support and prepare the family for the transition. The waiver is not intended for the continuation of IFSP services after the child's third birthday.

Q. What are the service options for children who are transitioning from EI to ECSE ?

After eligibility is determined, there are options in how to provide services.

1. IEP teams can decide to:
 - Continue the IFSP for one year after the child is found eligible for ECSE; services are considered Part B services and provided by local school districts
 - Contract with EI providers to provide services and to support EC transition
2. Write an IEP
 - Your staff can provide services or
 - School district and EI staff can collaboratively provide services to support EC transition
3. Write a partial IEP and conduct an extended evaluation

Additional resource from the Early Childhood Technical Assistance Center (ECTA), including information about eligibility determinations and transitions: <https://ectacenter.org/topics/disaster/coronavirus-faq.asp>

Strategies for Engaging Families

Q. In what ways is family engagement important to focus on at this time?

Family engagement is crucial for the healthy growth of children and youth. Quality family engagement has a lasting effect on a child's social-emotional health as well as school readiness and academic success.

Research shows that families want their children to do well and that they believe school is important. Partnering with families improves students' grades and motivation, helps student academic achievement. Partnering with families also helps teachers learn more about students' needs, which is information they can apply toward better meeting those needs. Engaging families can be done through phone calls, emails, texts and web-based activities.

Q. What should we focus on to strengthen family engagement while students are learning from home?

One of the first steps is to build partnerships with families. This can continue while students are learning from home.

Building relationships encourages fundamental practices that include but are not limited to:

- Recognizing and respecting the uniqueness of each family,
- Keeping families and youth voices and perspectives at the center, and
- Planning and implementing activities with families and youth and not for families and youth.

Q. How do we build a partnership with families?

- Talk with families using clear language.
- Make sure to limit educational jargon and consider the translation needs of the family.
- Be honest in your conversation. If you don't know an answer to a question, you can let the family know that you will get back to them.
 - Be sure to follow up with the family
- Discuss concerns and offer suggestions, supports and resources.
- Plan next steps together.

Q. Are there steps we should follow to build relationships with families during COVID-19

The [Flamboyant Foundation](#) has developed steps to consider while building partnerships with families

- Check in with families:

- People Check In
 - Start by checking in with the family member as a person.
- Resource Check In
 - After you've checked in on people, ask about immediate needs and resources.
- Distance Learning Check In
 - Next, check in on learning at home.

Q. Are there resources available to help build relationships with families during COVID-19?

There are many resources that provide ideas and strategies for building relationships with families. You can also work with your Special Education Parent Advisory Council (SEPAC) to be part of the process of strengthening Family Engagement.

You may find the following resources helpful now and in the future:

- Culturally Responsive-Sustaining Family Engagement in the Time of COVID-19 and Remote Learning, and Always
<https://static1.squarespace.com/static/5bc5da7c3560c36b7dab1922/t/5e84aac1e21ae556868a53a8/1585752769220/Culturally+responsive+family+engagement+.pdf>
- Tools for Educators to Listen to and Learn from Families During COVID-19 School Closures
https://docs.google.com/document/d/1e1JLqNvf_yPfOqwNNObpATrSLSRAKKVQeC7viGFTAWU/edit#
- Stay Home, Stay Connected: Maintaining Relationships in a Time of Social Distancing
<http://www.pthvp.org/toolbox/stay-home-stay-connected/>
- Massachusetts Family, School, and Community Partnership Fundamentals (the Fundamentals)
<http://www.doe.mass.edu/sfs/fscp-fundamentals.docx>

When In-person Education Resumes

Q: What does the Department advise schools and districts to do, to prepare for the resumption of in-person instruction?

It is likely that the resumption of in-person instruction will occur in phases. The Department advises that schools engage in contingency planning for different possible scenarios (e.g., a longer-term continuation of remote learning only, a combination of both remote and in-person learning, or solely in-person learning). Additional guidance will be forthcoming.

Q: Will all students with disabilities be eligible for compensatory services following this extended emergency? If the district provides services to a student with an IEP remotely, whether some IEP services or all, must the district provide additional services (or compensatory services) to that student when in-person instructions resumes?

Whether a student is entitled to receive compensatory services because of the suspension of in-person instruction is an individualized determination to be made by the IEP Team. Once in-person instruction resumes, the district should review how the emergency impacted the delivery of special education and related services to individual students and convene individual IEP Team meetings, as necessary. Doing everything possible *now* to provide required special education instruction and services will be the most effective way for school districts to mitigate the need to provide compensatory services in the future.

The Department anticipates providing further guidance regarding compensatory services before schools re-open in accordance with any further advice from USED.

Q: After in-person instruction resumes, does a student need to submit a doctor's note if they need to be out longer for personal health reasons?

Given the current health crisis, the Department does not recommend requiring a physician's note for attendance-related purposes for students who may need to be out for a longer time period. If the student's parents, however, are seeking home or hospital services educational services during the additional time, the regular home/hospital process must be followed, including the completion of the Physician's Affirmation of Need for Temporary Home or Hospital Education for Medically Necessary Reasons, which requires a physician's signature.

ⁱ Any quotations included in this section are from the [Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities](#) (March 21, 2020).