

**CORONAVIRUS/COVID-10 FREQUENTLY ASKED QUESTIONS FOR
SCHOOLS AND DISTRICTS REGARDING SPECIAL EDUCATION**
(Revised March 26, 2020 based on [United States Department of Education
\(USED\) Supplemental Facts Sheet, released March 21, 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 a suspension of school operations for educational purposes 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 originally apply to residential and day schools for students with disabilities; however, the Governor's order was further amended on March 23, 2020 to include day schools. On March 25, 2020, Governor Baker issued an emergency order extending the period of school closure until Monday, May 4, 2020.

On March 21, 2020, 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."

Due to this significant change in federal guidance and the recently announced lengthy period of school closures, the Massachusetts Department of Elementary and Secondary Education (DESE or Department) issues this updated and revised document superseding the previously released "Frequently Asked Questions" document issued on March 17, 2020.

The school closures under these emergency public health orders do not necessarily affect the availability of school buildings to provide food or other essential non-educational services. DESE encourages schools and districts to provide alternative remote learning for all students, including students with disabilities, during the period of school closure. According Governor Charlie Baker's March 25, 2020 order, public schools are directed to continue collaborative efforts to provide students with access to alternative learning opportunities.

DESE provides the following guidance specific to implementation of special education services during this period of school closure. These responses are based on the [new Supplemental Fact Sheet](#) issued by USED, and additional information being made available by the DESE in consultations with schools and districts, parents of students with disabilities, and other partners. We will update this memorandum frequently as new information is available.

Special Education Services and Learning Opportunities

Q: During the period of time a district is closed related to COVID-19, must the district provide special education services to students with disabilities?

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 DESE recognizes that these unprecedented circumstances may affect how all educational and related services and supports are provided. While USED and DESE will offer flexibility where possible, USED has emphasized many disability-related modifications and services may be effectively provided remotely or online.

Schools may not be able to provide all 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, projects and packets provided to students matched with regular and ongoing communication from special education team members) and services and instruction (such as virtual, online, or telephonic instruction). During this period of school closure, districts should make every effort to use creative strategies to provide special education instruction and services to the extent feasible. Moreover, any educational opportunities offered to the general student population, including enrichment activities and resources, must be made accessible to students with disabilities.

Q: What are the district’s obligations to provide FAPE to students with disabilities during extended school closures related to this health emergency?

How a district will provide FAPE will look different during this unprecedented period of national and state emergency. While ensuring the health and safety of students and educators is a priority, it may not be feasible during the current period of school closures to provide, for example, hands-on physical therapy, occupational therapy, or tactile sign language services. However, many specialized instructional opportunities and related services may be modified to be effectively provided by sending resources and supports to students or online or telephonically. Such forms of specialized instruction may include, for instance, accessible reading materials, speech and language services through video conferencing, 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.

Once school resumes, the district must review how the closure impacted the delivery of special education and related services to individual students and convene IEP Team meetings as necessary in order to make an individualized determination as to what compensatory services may be necessary, and to ensure the student receives FAPE prospectively.

Q. How often should districts communicate with parents and guardians during this period of school closure?

School districts should ensure that an IEP Team member (e.g., classroom teacher, special ed teacher or other service provider) communicates regularly with parents and guardians during

the period of school closure. 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 utilized. This ongoing communication will help educators and parents/guardians 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.

Q: Does the district need to provide *all* services on a student's IEP remotely?

During this national emergency, schools may not be able to provide all services in the same manner they are typically provided. Many disability-related modifications and services may be effectively provided remotely. These may include, for instance, extensions of time for assignments, videos with accurate captioning or embedded sign language interpreting, accessible reading materials, and many speech or language services through video conferencing. It is important to emphasize that federal disability law allows for flexibility in determining how to meet the individual needs of students with disabilities. The determination of how FAPE is to be provided may need to be different in this time of unprecedented national emergency.

Q: Are all students eligible for compensatory services following these extended closures? 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 school resumes?

Whether a student is entitled to receive compensatory services because of the school's closure is an individualized determination to be made by the IEP team. 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. DESE anticipates providing further guidance regarding compensatory services before schools re-open in accordance with any further advice on this topic from USED.

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. DESE 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.

Educational Resources

Q: How can I provide students with disabilities with educational resources during the period of school closure?

USED has designated the [National Center for Systemic Instruction \(NCSI\)](https://ncsi.wested.org/) as a resource hub for remotely provided special education services and supports during this period of school closures. The Department encourages educators and administrators to refer to the [padlet site](https://padlet.com/wested/educate) NCSI has specifically created to share instructional resources and service delivery solutions. NCSI anticipates continually adding resources and content to support remote special education learning options.

- NCSI website: <https://ncsi.wested.org/>
- Padlet site for educators and administrators: <https://padlet.com/wested/educate>

Impact on Community-based Settings

Q: How do the school closures 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 period of extended closure. Once school resumes, the district should review how the closure impacted the delivery of special education and related services to individual students and convene individual IEP team meetings as necessary to make an individualized determination about whether a student will need compensatory or additional services.

Q: After schools reopen, 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.

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 closure order? How can residential schools for students with disabilities maintain health and safety during the novel coronavirus outbreak?

While public and private residential and day special education schools were not included in the Governor's March 15, 2020 Order requiring school closures, day special education programs were subsequently included in the Governor's March 23, 2020 Order. Residential special education schools or programs should refer to the [guidance](#) issued by the Executive Office of Health and Human Services for residential, congregate care and shelter providers on March 22 (updated March 25).

Full site: <https://www.mass.gov/info-details/residential-congregate-care-and-shelter-providers-march-22-2020-coronavirus-update>

Q: Is "circuit breaker" reimbursement available to cover costs incurred during a student's temporary absence related to school closures?

Generally, "circuit breaker" provisions authorize reimbursement for IEP program costs during the period of a student's temporary absence, provided the absence does not exceed 20 consecutive school days. See [603 CMR 10.07\(5\)-\(11\)](#). In an effort to provide continuity for students and support to approved private or public day or residential special education schools during this time, the Department will consider and process requests for "circuit breaker" reimbursement from school districts for placements at residential and day special education schools for up to 20 days, even if the special education school is closed during that time. 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. DESE is continuing to assess our guidance on this topic and anticipates providing further information soon.

State and Federal Timelines and Related Activities

Q: What is the status of DESE onsite monitoring and assistance activities during school closures?

DESE 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: Can parties get an extension on 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.

Please note that effective March 15, 2020, the Bureau of Special Education Appeals will not hold any proceedings in person until further notice. The BSEA will provide opportunities for remote participation, as feasible.

Q: Will mediations that are scheduled with the BSEA occur during the period of school closures?

Effective March 15, 2020, the Bureau of Special Education Appeals will not hold mediations in person until further notice. Opportunities for remote participation will be offered, as feasible. The BSEA will contact parties as the date of the scheduled proceeding approaches to make necessary arrangements.

Q: Will the MCAS testing windows and the deadline for the MCAS-Alt submissions be extended?

Presently, the Department has not made any changes to the MCAS testing schedule or the deadlines for MCAS-Alt submissions at this time but is evaluating appropriate extensions or changes of the assessment windows, or additional action that may be needed. More guidance will be forthcoming.

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. At this time, and based on the current information, the Office of Public School Monitoring is extending the due date for the submission of the self-assessments to June 8, 2020. The Department will revisit this timeline as needed. As the due date approaches, please contact Tim Gallagher at 781-338-3717 to discuss the individual circumstances of your school or district.

For those schools and districts engaged in a self-assessment for a Group A Tiered Focused Monitoring Review, this includes data submission for Indicators 11, 12 and 13. Please note that the due date for submission of the Indicator 11, 12 and 13 data is also extended to June 8, 2020.

The deadline for indicator 7 submission is June 30, 2020. As this date approaches, if you have concerns about the submission, please contact Martha Daigle at Martha.S.Daigle@mass.gov to discuss individual circumstances.

At this time, deadlines for Indicator 14 data submission are not anticipated to change. For Indicator 14, districts in [Cohort 2](#) will use an online survey to learn about the further education and employment outcomes of their former students with IEPs. Data collection is anticipated to

begin in June, with a submission date of September 30, 2020. In May, 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 scheduled on various dates through April 6, 2020. The trainings this week had to be canceled and it is unclear when the next training will take place. In the next few days, the Department will be contacting the assigned groups and providing alternative training dates and times. All trainings will be held virtually using the ZOOM platform. If you are registered to attend and don't receive the correspondence or link please contact 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 submissions for collaboratives and approved special education day and residential programs are scheduled to be due between June 17-24, 2020. At this time, and based on the current information, the Office of Approved Special Education Schools will be extending the due date for the submission of the self-assessments which will be determined in the next couple of weeks. If you have participated in one of the trainings already, we encourage you to work on your self-assessment as best as you are able. Once the due date is finalized and as it approaches, please contact Nina Marchese at Nina.M.Marchese@mass.gov to review the individual circumstances and needs of your agency.

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

DESE is prioritizing 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, for districts that have not yet applied for the adjustment or not yet affirmatively forfeited the funds, DESE will process the FY20 IDEA 240 and/or 262 increase adjustments for districts. During late March, the DESE federal grants team will add the additional funds to the application's "SUPPLIES" line. Districts can amend at a later date to better align your adjustment to your budgeting needs. No further action is needed by districts that had already applied for the adjustment by the March 16 deadline. More information is available in email communication sent by the Federal Grant Programs team this week.

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

The Department will work to extend circuit breaker relief claims. Please contact Craig Delmonte at Craig.Delmonte2@mass.gov, should your school district require an extension.

IEP Meetings

Q: How can the district meet special education evaluation timelines if schools are closed?

The Department recognizes that school closures may impact the ability of school districts to meet the 30-day timeline for conduct evaluations in addition to the 45 school working day timeline to develop an IEP after receipt of a parent's written consent to evaluation or reevaluation. We encourage school teams and parents to work collaboratively and creatively to meet IEP timeline requirements. Districts are encouraged to work with parents to reach mutually agreeable extensions of timelines, as appropriate.

Q: A student's IEP expires during the school closure period. Will it 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 forms.

Q: How can the district hold an IEP Team meeting if school is closed or Team members can't meet face-to-face?

In circumstances where an IEP Team meeting may need to be convened during this time when IEP teams are not able to meet in person due to health and safety considerations while schools are closed, districts should convene IEP Team meetings telephonically or virtually using technologies such as Zoom. Districts must consider whether all IEP team members, particularly parents, have access to necessary technology and accommodations to allow remote participation. Districts should ensure that interpreters are provided during telephonic or virtual IEP team meetings when the parents primary language is not English.

Q: Do I need to make changes to the student's IEP to provide these services?

It is not necessary for a district to convene an IEP Team to provide learning opportunities and services to students with disabilities during this period of extended school closures because of the COVID-19 pandemic.

ⁱ Any quotations included in this memorandum 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).