

**Member Advisory**

**To:** maaps Executive Directors and Members

**From:** Janine Brown-Smith, Legal Counsel  
Elizabeth Becker, Executive Director

**Date:** April 10, 2020

**Re:** Education Services Update During COVID-19

---

During this time of a global pandemic, the **safety** and **wellbeing** of students and staff continue to be our top priority. We hope we can support you during this difficult time. We would like to especially thank the residential education programs, which are doing heroic work.

As Massachusetts enters “phase 2” of distance learning opportunities for most schools, we wanted to share the following **remote education update**.

**A. Distance Learning/Remote Education Update**

Together with maaps’ legal counsel Janine Brown-Smith, and in coordination with DESE, we want to share some important, clarifying information regarding education, districts and communications during these difficult COVID-19 days.

1. **Remote Learning Plan:** Schools should communicate a “Remote Learning Plan” to districts regarding scheduled learning (we recommend including a disclaimer)
  - The Remote Learning Plan communication will indicate what you are doing for your student – how you are continuing to meet the needs of the student during this unprecedented time. This may be in the form of a sample general weekly schedule
  - Here is a link to DESE’s [Sample Student Remote Learning Plan](#)
  - If you have questions about how to do this, please let us know
2. **Services Provided:** Pursuant to DESE, FAPE must be provided – but it will look differently than when school is in “regular” session. Learning should include both:
  - *Supports and Resources:* for independent learning that can include academic content and homework packets and projected-based learning opportunities with the accommodations needed.
  - *Instruction and Services:* that can be delivered remotely in whole group and small group settings or individually. Instruction and services can be provided online, tv or phone



### Member Advisory

3. Family Letter: DESE has stated that “ongoing and regular communication between educators and families is important” and that “individualized instruction and services will look different than when school is in session.”
  - Give written notice of the same Remote Learning Plan that districts receive
  - “send email or correspondence to document services, accommodations and models of delivery – could use N1”
  - Here is [DESE’s sample parent/guardian communication](#)
  - DESE will distribute a parent letter next week (4/13 – 4/17) that will need to be issued by Day and Residential programs to parents

### B. Districts Requests Regarding Distance Learning/Remote Education

Districts are learning how to provide remote education, and so may be asking you for a series of documents, not all of which are required. The items discussed above: an individualized Remote Learning Plan, and Caregiver Correspondence are new documents that are required. Outside of these items, generally adhere to the regulatory requirements and your prior practice when providing documentation.

1. Progress Reports: Progress Reports will still be completed as they have been previously. If you previously completed these quarterly, at the end of the school year, or monthly, remain consistent with your prior practice.
  - We have discussed Progress Reports with DESE and will continue to do so. Regarding Progress Reports, DESE has provided, “Where the term ended during the period of closure and the school or district issues report cards, they should also issue Progress Reports. Where the new term begins during the time of closure, issue end of year Progress Reports based on progress through remote learning. Continue to address IEP goals given the current circumstances.”
2. Examples Requests from Some Districts and Corresponding Recommendation: Not every district is asking for additional documentation, however, we want to bring your attention to three that are, and our corresponding advice:
  - *Westwood*: “Payment of tuition, moving forward, to your out-of-district facility is pending the receipt of the progress report in addition to a copy of the student’s remote leaning plan which clearly outlines how instruction is being provided to insure progress on IEP goals and objective during this period of extended closure.”
  - *Braintree*: “we are requiring that in order for your tuition invoice to be processed and paid you must have a Remote Learning Plan as required by DESE in place to provide remote communication and services to our students while they are at home. Future invoices must be accompanied by student attendance records and progress reports must be submitted to our out of districts case managers... on a weekly basis.”



### Member Advisory

- *Lexington*: “What is the percentage of the OSD approved OOD school program and/or services does the OOD school believe it is delivering during under its [Remote Learning Plan]?”

Following consultation with DESE, we recommend the following regarding Requests for Weekly Remote Learning Logs (different than a Remote Learning Plan) or Weekly Progress Reports:

- At this time, members are advised *not* to provide the completed service charts (daily, weekly) to districts. We never previously have shared this level of detail and are not required to do so by regulation. Progress Reports will be provided as they normally would be. The Remote Learning Plan should be what the District needs to process payment.
  - Please track services and maintain that documentation
  - We are working on a Legal letter on this matter if any district refuses to make payment without a Weekly Progress Report
  - A weekly progress report takes a lot of time to produce, it is not clear how that will enhance student learning, and it is not required by contract or regulation in order for a district to remit payment.
- Similarly, we caution you on questions regarding percentage (%) of services. As DESE has said, FAPE must be provided but it may look different, which does not mean a lower percentage is being offered. Please do not hesitate to contact Janine with questions regarding this.

### C. Next maaps Member Call

We understand that you will likely have questions regarding this communication. These matters will be addressed in the maaps members call, scheduled for 1pm on Wednesday, April 15<sup>th</sup>.

### D. Rapidly Changing Information Landscape

The above advice is based on the information we have today. As we have seen in the last few weeks, information is rapidly changing. As always, we encourage you to be in touch with Elizabeth Becker and Janine Brown-Smith with specific questions.

This advisory does not cover the myriad of services that we are working on for our members: from securing PPE, legal actions, ongoing Government Affairs strategies, financial considerations, and education focus groups and supports - maaps is here to support you during these difficult times. Please do not hesitate to reach out.