

WARE PUBLIC SCHOOLS DEPARTMENT OF  
SPECIAL EDUCATION AND ENGLISH  
LEARNER EDUCATION

# Guidance on Fall 2020 Special Education and English Learner Education Services

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# WARE PUBLIC SCHOOLS

## Guidance on Fall 2020 Special Education Services and English Learner Education Services

Effective: August 14, 2020

*This document is intended to serve as a supplement to, and highlight information from [The Massachusetts Department of Elementary and Secondary Education Guidance on Fall 2020 Special Education Services](#).*

### FAPE

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. Students with disabilities, particularly preschool-age students and those with significant and complex needs, should be prioritized for receiving in-person instruction during the 2020-2021 school year. These students should receive as much in-person instruction as is feasible within the health and safety parameters in effect at each particular time. Even if schools or districts are operating in a hybrid or remote model, educators and administrators must make every effort to continue to provide up to full-time in-person instruction to such students. If in-person instruction cannot be provided and students with disabilities must receive instruction remotely in full, or in part, through a hybrid model, they must receive special education instruction and related services necessary to provide FAPE through an Instruction and Services model of delivery (e.g., structured lessons, teletherapy, video-based lessons, etc.) instead of relying solely on a Resources and Supports model (e.g., packets and assignments). For students with more significant and complex disabilities, providing one-on-one in-person instruction in the home or in a community-based setting should also be considered and made available as feasible, if it is not possible to provide instruction in an in-school setting.

### Delivery of IEP Services

Students must receive all services documented in their IEPs through in-person instruction, remote instruction, or a combination of both, with a strong emphasis on providing in-person instruction to the greatest extent possible, while abiding by the current necessary health and safety requirements. In particular, the Department urges schools and districts to prioritize in-person instruction for two particular groups of students with disabilities: preschool-aged students, and students with significant and complex needs. Remote learning is often more challenging for these students.

For the purposes of this document, students with complex and significant needs include:

- Students already identified as **high needs** through the IEP process as identified on the IEP form entitled **Primary Disability/Level of Need-PL3**.
- Students who cannot engage in remote learning due to their disability-related needs;
- Students who primarily use aided and augmentative communication;
- Students who are homeless
- Students in foster care or congregate care; and/or

- Students dually identified as English Learners.

## Learning Models

Schools must make every effort to maintain in-person instruction for students with disabilities, particularly those with complex and significant needs and preschool-aged students even if the rest of the school has entered a hybrid or remote model of instruction.

If this is not possible, schools are encouraged to provide as many in-person services as possible on a part-time basis (such as having the students come into school for related therapies, social skills groups, or Applied Behavior Analysis (ABA) services). In-person services may be provided in the home or in community-based settings where feasible for students with significant and complex needs, if it is not possible to provide services in the school setting for all students.

### Full-time In-person Learning (while meeting current health and safety requirements)

- Considerations for maximizing in-person learning for students with disabilities should be made when developing schedules.
- When considering staffing alternatives for reducing class size, students with disabilities must receive specialized instruction and supports from qualified professionals.
- Flexible solutions for reducing the mixing of student groups should be considered to ensure students with disabilities are receiving services safely in the least restrictive environment.
- When considering the use of alternative school spaces or external facility spaces, considerations for providing students with disabilities with inclusive learning must be made and placement of students with disabilities in groupings or cohorts that support learning goals in the least restrictive environment should be prioritized.
- When planning for full-time in-person learning, schools and districts should carefully consider the specific needs of their students with disabilities. While having classes outdoors may be a possibility for many students, this option may not be suitable for some students with disabilities. For example, students with visual impairments may have light sensitivity and/or outdoor settings may be too distracting.
- Identify staff trained in various areas of special education to be included in the COVID-19 Response Team.
- Provide additional training time for educators who will provide direct physical support to students with disabilities on the use of the additional protective supplies they will need, including appropriately donning and doffing disposable gowns, face shields, etc.
- Consider using strategies to pair peer models with students with disabilities to promote social interaction.

### Remote Learning

- Remote learning in school year 2020-2021 is expected to be more robust than the models of remote learning implemented in the Spring of 2020.
- During the Spring of 2020, two models of service delivery were utilized to satisfy the requirement to provide a FAPE to students with disabilities: **Resources and Supports** and **Instruction and Services**. With the ability to plan for the possibility of remote service delivery during the 2020-2021 school year, schools must be prepared to provide services through **Instruction and Services** mode of delivery. The **Resources and Supports** delivery model can only be used temporarily for a limited period of time of no more than two weeks, until the school is able to transition to **Instruction and Services** model.

- For school year 2020-2021 Instruction and Services must include the following components:
  - A regular and consistent schedule of classes, interventions, services and therapies as required by the student’s IEP, offered synchronously or asynchronously;
  - Structured learning time designed so that the student can access state standards; and
  - Frequent interactions with teachers and other staff members to ensure participation.

The consistent schedule of classes, interventions, services and therapies must include time spent interacting directly with teachers and related service providers on a regular basis, as well as some independent work time, as appropriate, and opportunities for interacting with classmates. Synchronous remote lessons or tele-therapy sessions can be provided via telephone or video conferencing. Students might also benefit from asynchronous pre-recorded videos of lessons to follow at home. For students receiving the majority of their daily instruction through special education, teachers and therapists should assign supplemental work (beyond lessons taught synchronously or asynchronously) during the school day that can be accomplished independently with guidance from and accountability to the teacher or therapist.

### Hybrid Learning

- When planning for hybrid learning models, consideration for continuing to maximize in-person learning for students with disabilities, particularly preschool-aged students and students with significant and complex needs should be prioritized. Where appropriate, peers without disabilities should also be included to ensure inclusionary services.
- Learning and services provided remotely via a hybrid learning model must follow the guidance provided in the section above on **Remote Learning** and **Full-time In-person Learning** while meeting the current health and safety requirements.
- In-person services offered within the student’s home or in a community-based setting, particularly for students with significant and complex needs, can also be considered as part of a hybrid model to ensure that as many services as possible are provided in-person instead of remotely.

### Inclusive Services and the Least Restrictive Environment (LRE)

When planning for the physical distancing requirements for students and adults in a classroom, schools should be mindful of the additional special educators and related service providers who will need to enter the classrooms throughout the school day to provide services to students with disabilities. As such, the following should be considered:

- Schools and districts should carefully develop classroom assignments and service delivery schedules for students with disabilities so that they receive services consistent with their IEPs in the least restrictive environment, as defined in 603 CMR 28.02(12), while also maintaining the current health and safety protocols.
  - For example, special education teachers and related service providers (speech language pathologists, occupational therapists, etc.), could provide special education services in the general education setting remotely from within the school building via video conference, instead of coming into the classroom to provide services. To support this model, schools and districts could train paraprofessionals to serve as facilitators for push-in services. Training should address technology-related issues, such as device use, electronic platform use, troubleshooting procedures, and other student-specific needs and strategies.

- If service providers are not able to provide special education services in the general education setting remotely within the school building via video conference, those educators or related service providers should schedule services in a manner that maintains physical distancing requirements and avoids overlapping with other staff in the classroom or physical setting.

## Parent Engagement and Communication

Administrators, classroom teachers, special education teachers, or related service providers should ensure frequent and regular communication and engagement with parents. School personnel should document all of communication with parents. All written and oral communication must be provided in the primary language of the home and in language that is understandable to the general public. This includes translating district-wide and special education notification sent to families, as well as translating special education documents, schedules, and instructions; learning plans, IEPs, Progress Reports and using interpreters.

Student privacy and confidentiality must be maintained in parent communications and should be respected by all parties.

Schools should take the opportunity to obtain as much data and information from parents and caregivers as possible. Schools should use all available data to anticipate the student's present areas of need and levels of need during re-entry.

Parent engagement is particularly crucial when determining if and how special education services will be provided differently as a result of the changes to the overall learning environment associated with any of the three models of instruction schools and districts might employ during the 2020-21 school year (in-person, hybrid or remote learning models). Teachers or IEP liaisons should contact the parents of their students as soon as possible to discuss how a given student's IEP services will be delivered if different than described in a student's IEP, giving particular consideration to potential changes to how and where special education services will be provided.

If special education services are provided differently than as they are described in a student's IEP, parents must be contacted as soon as possible to discuss how a given student's IEP services will be delivered and given the opportunity to provide input. They must also receive written notification with specific information about how those services will be provided. Written parent notification describing any differences in how special education services will be delivered should include how, where and when specialized services are being provided, and should be dated to reflect when services that are being provided differently begin. Parental consent is not required to implement modified in-person, hybrid or remote special education services; however, such documentation should describe the school's and district's efforts to provide services as closely aligned to the way they are described in the IEP as possible.

## Developing Positive Behavior Supports and Safe Learning Environments

Schools should continue to create safe and supportive learning environments and provide proactive behavior support in each of the three learning models planned for the 2020-2021 school year. Proactive direct instruction for school and class-wide routines, social skills instruction, individualized social stories, and other preventative measures will be necessary, particularly following the disruption to normal school routines. Schools and districts should engage in conversations with parents about how their child is doing emotionally and behaviorally, and partner with parents in planning for the transition to in-person learning. Schools and districts may also need to provide additional supports for promoting

positive behavior and reducing challenging behavior as schools reopen. Students will reacclimate to learning and school life at different rates. Additional considerations regarding how anxiety and/or trauma may impact the reintegration into normal school life should be considered, including providing necessary tiered supports available to students under a multi-tiered system of support.

Under the present circumstances, schools and districts should utilize disciplinary action as a last resort for students with disabilities exhibiting behavioral challenges. Wearing of masks, maintaining social distance, adapting to new routines and protocols, and other nuances related to changes in the learning and the school environment may be challenging or frightening for students with disabilities. Retraining and development of strategies that directly address student concerns regarding the pandemic itself and/or other current events should be integrated into lessons and/or classroom routines.

Before administering discipline, it is critical that special educators and school administrators determine if behaviors deemed inappropriate are a result of situations brought about by the pandemic, or if such behaviors are caused time away from in-person learning. Appropriate planning for newly-identified concerns should be part of reentry planning. In addition, restorative practices and other diversionary strategies should be utilized in place of punitive measures to help focus on correcting the concerning behavior. Additional de-escalation training and/or training on trauma-sensitive practices for staff including school resource officers may be needed to support the transition back to full-time in-person learning in an environment altered by public health and safety needs, and the potential of increased behavioral concerns.

## Early Childhood Special Education and Preschool Children

Preschool children with and without disabilities are particularly in need of in-person services in order to develop the socialization, motor and communication skills that are vitally important at this age. Schools should prioritize in-person instruction for this age group but should also be prepared to adjust to hybrid or remote services if necessary. As stated previously in this document, providing services in a student's home if feasible might be a beneficial option, particularly if it is not possible to provide services in the school setting.

## Transition from Early Intervention

An extension of Early Intervention (EI) services is available for children who turned 3 between March 15, 2020 and August 31, 2020. For those students, EI services can continue until special education eligibility determination can be completed and the child has transitioned to special education, or until October 15, 2020.

## In-person Instructional Environments and Physical Distancing for Preschool Children

When determining classroom arrangement to accommodate physical distancing requirements, schools should factor in the additional special educators and related service providers who will need to enter the classroom to provide services for young children with disabilities in the least restrictive environment. In light of the Department's guidance that students at the elementary level remain in one classroom for the majority of the day, districts may want to consider whether pull-out services can be offered in accordance with the health and safety guidelines or, instead, if services should be pushed into the classroom.

Given the specific health and safety requirements, schools and districts should reconfigure space to discourage prolonged close contact and instead encourage activities that allow for children to spread out. Programs may use different means to divide classrooms as needed to support group sizes and promote distancing requirements. These may include movable walls, partitions, or other barriers that clearly define and separate areas, ideally clear partitions so that children can see and interact with each other, while maintaining physical distance. Barriers should be robust enough to keep children physically separated and prevent materials and toys from being shared.

## Hybrid/Remote Learning Considerations for Preschool Children

As described above, the Department recommends that young children be prioritized for in-person instruction. If remote instruction becomes necessary, balance screen time and non-screen time by considering shorter virtual sessions and consider providing flexible offerings of live, recorded, small group instruction.

- Pre-recorded enrichment activities aimed at providing practice and/or generalization opportunities can be provided outside of live learning time.
- Keep learning opportunities interactive and similar to the routine of what children already were familiar with (e.g., circle songs, etc.) and when appropriate, pair new learning with familiar activities.
- Given the remote aspect of learning in these circumstances, educators should be mindful of wait times to maximize opportunities for as many children to be engaged.
- In-person services offered within the student's home, particularly for preschool age students with complex and significant disabilities, can also be considered as part of a hybrid model to ensure that as many services are provided in-person instead of remotely.

## Monitoring Student Progress

Schools must continue to issue Progress Reports at least as often as report cards or progress reports are provided for students without disabilities, in accordance with [603 CMR 28.07\(3\)](#). Progress Reports must be sent to families, guardians and state agencies involved with the student through mail, email, student information systems, or online communication platforms, and translated into the language of the home when required. The school must maintain documentation of when and to whom Progress Reports are issued.

Educators and service providers must collect data and use this data to monitor the student's progress to develop Progress Reports. If there are periods of remote learning, educators, service providers, parents, and students should review a student's IEP and identify the types of data that can be collected from the student, family, and home environment. Staff can reimagine their roles in a hybrid or remote context, e.g., by using a tracking sheet to collect data from student videos, interviewing parents and students, or 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](#)

## Transition Services

Although in-person participation in community-based programs and inclusive [concurrent enrollment programs at institutions of higher education](#) may be limited at this time, schools should make best efforts to develop plans collaboratively with community-based providers, colleges, parents/guardians, and students in order for students to access as much transition programming as possible. Current health and safety requirements must remain a priority when making decisions as to the extent that transition services are able to be accessed in community-based settings; however, it is highly recommended that in-person transition services resume as soon as it is safe to do so with the proper health and safety measures in place.

## Initial Evaluations, Reevaluations and IEP Team Meetings

Due to the closure of school buildings and the unexpected suspension of in-person education in March, annual review Team meetings, evaluations and/or parts of evaluations may have been postponed. As we plan to return to in-person services and instruction, schools must plan for addressing the backlog of assessments and meetings while simultaneously addressing the need to maintain timelines for annual review Team meetings and evaluations for students who are newly referred and/or due for an evaluation. Schools should continue to follow the direction on meeting special education timelines as described in the Department's [Implementation of Special Education Timelines During the COVID-19 State of Emergency](#).

IEP Teams must continue to conduct annual review Team meetings as they are due, in accordance with [603 CMR 28.04 \(3\)](#). Districts are advised to update the IEP as though the student will be attending school full time in-person; however, given the unpredictable nature of the COVID-19 virus, schools and districts must be prepared to be adaptable in their approach to delivery of IEP services, based on the current health information and trends at that time. As was the case when schools closed in March, any changes to service delivery should be documented in writing to the parent.

It is important to note that a change in the delivery of services due to a school's change in learning model, in-person, hybrid or remote, as a result of COVID-19 **does not result in a change in placement**. The services outlined in the IEP remain and are considered "stay-put." Schools and districts must maintain open communication and collaboration with families as they respond to the trajectory of the virus and make decisions about the opening and/or closing of school buildings and settings and the learning models to be utilized.

### IEP Meetings

IEP meetings will continue to be held in a virtual or telephonic format. Ware Public Schools utilizes the Microsoft Teams platform. Parents and other relevant Team members will receive an IEP Team Meeting Invitation (N3) and Meeting Attendance Sheet (N3A) via email, unless otherwise specified in an alternative method (i.e. USPS mail). Team members will also receive a Microsoft Teams invitation that includes a link, as well as a phone number to join the Team meeting via email. It is advised that Team members enter the meeting approximately 5-minutes prior to the start of the meeting in order to remediate or resolve any technical issues. Should an alternative method of notification or engagement in a virtual or telephonic Team meeting be required, parents or Team members should contact Katy Meneke via email at [kmeneke@ware.k12.ma.us](mailto:kmeneke@ware.k12.ma.us) or telephone at 413-967-4271 Ext. 3713.



## Staffing, Specialized Safety Supplies/Protective Equipment and Training

Due to the need to be closer than the minimum physical distancing requirements when instructing some students with disabilities, the service providers should follow the guidelines that the Center for Disease Control describes for “[direct service providers](#)”. Direct service providers include personal care attendants, direct support professionals, paraprofessionals, therapists, related services personnel, assistants, school nurses, health office staff, and any other staff who must come into close contact with students with disabilities.

Direct service providers are essential for the health and well-being of the students they serve. Direct service providers should be aware of and trained on how COVID-19 spreads, risk factors, and prevention actions. Additional preventive measures may need to be taken depending on the activity and the risk level of that activity.

Some students with disabilities will require unique supports that may make it less possible to practice physical distancing. In addition, some students with disabilities will not be able to wear cloth face masks as frequently or at all. In order to support such students safely, schools and districts must ensure that:

- Classrooms are adequately staffed, and in accordance with any approved student: licensed educator: aide ratios;
- Educators, related service providers, paraprofessionals and other staff members are prepared with any additional protective equipment that may be needed as unexpected situations arise, such as disposable gowns, face shields, etc.;
- When assessing the amount of protective equipment needed, considerations should be made for itinerant staff who interact with multiple groups of students in multiple locations, staff who perform tasks routinely that require close proximity and/or physical contact with students, and those who go out into the community to support students’ educational programming;
- All staff members using additional protective equipment are [properly trained](#) to accommodate children’s needs (See [BU SHIELD COVID-19 training resources](#) for videos, posters and other training materials); and
- Families are consulted as partners to ensure the health and safety of students.