



SOUTH CAROLINA  
**AUTISM** SOCIETY

# Covid-19

Preparing Students and Families for Fall '20

August 14, 2020

# Welcome!

**We are:**

**The Parent-School Partnership Program (PSP) at the SC Autism Society**

**<https://scautism.org/autism-resources/parent-school-partnership/>**

**Presenters:**

**AJ Dearybury, ([aj@scautism.org](mailto:aj@scautism.org)) - Parent Mentor - Greenville Area - 20+ Years**

**Chris Sullivan, ([chris@scautism.org](mailto:chris@scautism.org)) - Parent Mentor - Myrtle Beach Area - 5 Yrs**

**Eight Mentors Cover Every District in our State**

# Agenda

**Impacts of Covid-19 on Students and Families**

**The “Right” Perspective**

**Reopening Plans**

**Services Review**

**Action Items**

**References and Resources**

# Some of the Impacts of School Closing on...

## ... All Students and Families.

- **reduction in or lack of access to instruction** by credentialed teacher(s).
- struggles with **new requirements for virtual learning** (connectivity, technical knowledge), and with **new methods of delivery of instruction, assignments, and tests**

## ... Special Education Services, Students and Families.

Above, plus, lack of adherence to elements of Individuals with Disabilities Education Act (IDEA):

- Delays in **initial evaluations and re-evaluations**
- **Lack of delivery of service(s), ie. Special Education, Speech, OT, etc, per the IEP**
- Reduction in **service minutes**; changes in **methods of instruction** (face to face v. virtual)
- **Lack of expected progress; regression**

# Impacts of School Closing on...

## .... Consideration of Special Factors in the Individual Education Plan (IEP)

- Did new setting affect the team's ability to pursue goals around communications and behavior, per the IEP?
- Are new communications and behaviors in the new setting being addressed by the team? Data collection? Other efforts?

## ... Transition Plans in IEP

- Work-Based Learning - were opportunities postponed or cancelled?
- Community-Based Learning - ditto
- What were the impacts on instruction, method of instruction, testing, grades, and as a result, perhaps even a student's planned academic track?

# More Impacts of Covid on...

## ... Progress Monitoring of the IEP

- Progress Reports: Do parents/teams have complete “March data?”
- Data During Covid: Who is collecting? What is being collected?
- Training: Are/were parents educated to perform new monitoring roles?

## ... Accommodations (IEPs and 504s)

- Extra time, seating, test environments, etc. Were these provided during distance learning?

# In Addressing Issues, Have the Right Perspective

(There is consensus on this among US DOE, SCDE, Wrightslaw, University of Kansas. See References.)

- Acknowledge the impact is on ALL students, families, caregivers and school staff

## **This is No Fault of Anyone!**

- ***Health and safety come first***
- Identify and provide student needs with health and safety top of mind
- Support team collaboration and “Out of the Box” thinking - “Flexibilities” - to reach solutions
- In the pandemic, perfect solutions don’t exist

# The Right Perspective (con't)

(There is consensus on this among US DOE, SCDE, Wrightslaw, University of Kansas. See References.)

Suggestions for Family and Caregiver Preparation, as '20-21 School Year Looms:

- Consider whether you might benefit from **Parent Training and Supports**
- Identify "**Corrective Actions**" to ensure student needs can be identified or met now
- Prepare to share and **document (IEP or Prior Written Notice)** issues/actions, esp. for unique learning needs or return to brick and mortar
- Note changes to state Guidance: Initially recommended no IEP amendments and use of a **Contingency Plan**. As of 8/5/20, amendments to IEPs for new school year are now expected, possibly with an attached updated **Contingency Plan**.
- Ensure the team/school does its "**Due Diligence**" and documents it. For example, avoid tabling tough issues around virtual settings, behavior, or related services.

# Addressing Impacts to All SC Students

**South Carolina's Dedication to Education: Safe, Steady Steps Forward:**

<http://dedicationtoeducation.com/>

This is parent-friendly summary highlighting key excerpts from the SC AcceleratED Plan. It also provides a link to the full Plan.

Each District has developed its own plan to “re-open” based on SC DHEC and this SC Dept. of Education guidance, its Covid rate in its community, the local needs of students and families, and District staffing and resources.

**All District Re-opening Plans Have Been Approved by the SC Dept. of Ed.**

# Your District's Reopening Plan

Be Sure to Locate It, and Review It

It is Likely Available on Your District's Web Site or Facebook Page

Monitor Your School Board, News Media and Social Media for Updates

Stay on Top of Changes

# Addressing Impacts to All SC Students

**“Academic Recovery Services” are available to ALL students**

From SC Dept. of Education’s August 5, 2020 Special Ed Director’s Call/Meeting:

**These services are:**

- **Offered to all students as a result of missed instruction due to COVID closures**
- **Address unfinished learning for all students**
- **Designed to recover priority standards to ensure all students will be able to continue in the learning progression at the next level**

# Academic Recovery Services

These services include:

**Academic Recovery Camp (ARC)** - a **face-to-face** federal, state and local program provided by some Districts over the summer as a result of Covid funding. Some Districts cancelled ARC due to increasing Covid rates in their area.

ARC required that all participating students receive a ***pre-assessment***.

Data from this pre-assessment should be used to update student data and educational plans.

# Academic Recovery Services (con't)

The **mandated** federal, state and local Recovery program as a result of Covid funding is:

**LEAP (Learn, Evaluate, Analyze and Prepare) - 5 Days - *before* school calendar**

***LEAP must be used for face-to-face assessment or instruction***

- For students deemed critical to attend.
- Experienced low engagement during 2020 distance learning period
- Showed learning gaps on prior assessments and diagnostic tools
- In process of evaluation for special education or English-learner needs
- Are homeless or migrant
- Parents/custodians can opt out.

# Academic Recovery Services - LEAP (con't)

## ***LEAP activities:***

- Revisiting prior content and skills
- Diagnostic activities, including completion of in-progress evaluations for student eligibility under Individuals with Disabilities Education Act (IDEA)
- Data analysis
- Social and emotional preparation
- Review of Individual Education Plans (IEPs)
- Establishing routines and procedures
- Professional development

# Academic Recovery Services (con't)

## Available to ALL Students

### *Additional Information on Pre- and Post-Assessment Requirements per Act 142*

**Pre-assessments** must be given:

- All participating students in an Academic Recovery Camp (ARC) in the summer
- A pre-assessment must be administered to all students in grades 4K–8th grade within LEAP and/or the first ten days of school.
- Ninth grade students should be assessed during the first ten days of school using one of the approved SCDE benchmark assessments. Although not reimbursable from the SCDE, districts do have the option to assess students in grades 10–12 for their own data collection purposes.
- A **post-assessment** must be given to all students before the end of the 2020 calendar year.

# Section 504: Americans with Disabilities Act (ADA)

*No requirements under these Acts have been rescinded due to Covid.*

So, if a student with a disability was not/is not able to access services, or derive a meaningful benefit from them, violation(s) of Section 504 and ADA may have occurred.

# Supplementary School Closure Services

These services are:

- Based on the degree to which services during emergency deployment of continued learning opportunities were accessed
- May include special education and related services needed to ensure student with a disability can continue to make progress toward annual goals
- Will be part of the school day
- Should not change a student's Least Restrictive Environment (LRE). In other words, these services should not change a student's placement.

These services might be appropriate for those with disabilities without supports, or those with 504 Plans, for example, who had difficulties accessing services during closure or via new methods of instruction. May result in changes to students' types of plans.

# Your District's Reopening Plan: Guidance on IEPs

Note: The state Dept. of Ed. capitalized this statement.

IEPS (Individual Education Plans) WILL BE AMENDED, AS NEEDED, TO REFLECT THE INSTRUCTIONAL DELIVERY MODEL CHOSEN BY THE PARENT SO THAT APPROPRIATE SPECIAL EDUCATION AND RELATED SERVICES, SUPPORTS, ACCOMMODATIONS, AND MODIFICATIONS ARE DESIGNED TO PROVIDE MEANINGFUL EDUCATIONAL BENEFIT (Free, Appropriate Public Education, or FAPE) IN THE LEAST RESTRICTIVE ENVIRONMENT

- SC Dept. of Education

August 5, 2020

# Violations of IDEA

*Depending on a student's individual needs and unique circumstances, the impacts of Covid closure could amount to a lack of provision of a Free and Appropriate Public Education (FAPE) under the federal Individuals with Disabilities Education Act (IDEA)*

*No aspect of IDEA was waived by the US Congress or US Education Secretary Betsey DeVoss due to the Covid-19 crisis.*

# State Dept. of Ed Guidance on IEPs

## ***SCDE Guidance for IEP Review:***

- A. What was the student's rate of progress from August 2019 to March 2020?
- B. Where was the student performing at the end of in-person services in March 2020?
- C. What was the student's rate of progress from March 2020 to date?
- D. If there is a gap, how much of the gap is due to the impact of the closure on all students and how much of the gap is due to student's disability?

# When FAPE is Denied, Compensatory Services

**Compensatory Services, Based in Case Law, Are Available to Students with IEPs Who Are Denied FAPE. Sometimes, same violations occurred also under Section 504:**

From the July 1 SCDE Special Ed Directors' Call/Meeting:

**“Compensatory services are educational services that are awarded or can be agreed upon to be provided to students with disabilities to address a LEA's failure to provide FAPE under the IDEA. Compensatory services are considered only on a case-by-case basis and when FAPE has been denied. Compensatory services should be addressed by a student's IEP team. The goal of compensatory services is to put the student back in the position the student would have been in had a FAPE been provided.”**

# Compensatory Education Services

*Key points: From Barbara Drayton, SCDE General Counsel, Email Dated 11/16/18*

- **“Comp ed must rely on fact-specific, individually based considerations**
- **Remedy should place students in position they would have been in had FAPE not been denied**
- **Formula model may be used, but it must meet students' unique needs”**

**The IEP team determines compensatory services.**

# Contingency Plan Services

*From August 5, 2020 SCDE Call with Special Ed Directors:*

These services are:

- **Provided during an emergency school closure when the school/district is unable to provide “typical” instruction and must deploy emergency continued learning opportunities**
- **Designed to provide reasonable and practicable access to the continued learning opportunities**
- **Designed for short-term, emergency closure when the school/district is unable to provide standards-based, high quality instruction through an alternative model**

# Contingency Plan - Display Sample

.

.

# Your Action Items

Review and prepare:

- **Check your perspective**
- **Stay up-to-date with your District's reopening plan**
- **Review your IEP and data, including progress reports**
- **Identify services received, not delivered and any new needs**
- **Be knowledgeable about the various types of services available due to Covid-19**
- **Reach out to your Parent Mentor. See our web site for the contact info for your Mentor.**
  - **Via Email**
  - **Via Phone or Text**
  - **Via Virtual Meeting**
- **We will assist and continue to attend IEPs with you!**

# References and Resources

SC OSES Webinars for Special Ed Directors

[https://ed.sc.gov/districts-schools/special-education-services/information-about-covid-19-coronavirus/#Recorded\\_Webinars](https://ed.sc.gov/districts-schools/special-education-services/information-about-covid-19-coronavirus/#Recorded_Webinars)

(Keep watching this link for updates. See August slides....)

ARC and LEAP - Guidance from the SCDE to Districts

<https://ed.sc.gov/newsroom/school-district-memoranda-archive/learn-evaluate-analyze-prepare-leap-added-instructional-days-pre-and-post-assessment-requirements/learn-evaluate-analyze-prepare-leap-added-instructional-days-pre-and-post-assessment-requirements/>

Webinar from the Univ. of Kansas - Recommended to Special Ed Directors by SCDE - Identifying Issues and Addressing Them

[https://zoom.us/rec/play/7JMqcLusqDk3Hd3BsQSDUPlrW9S4e\\_2sgCUe-voJmkjmASYAZgKnMOdGYuv2o7ItYjBjWB0kkU4rNG2a?continueMode=true](https://zoom.us/rec/play/7JMqcLusqDk3Hd3BsQSDUPlrW9S4e_2sgCUe-voJmkjmASYAZgKnMOdGYuv2o7ItYjBjWB0kkU4rNG2a?continueMode=true)

<https://vimeo.com/user87247921/review/420511681/5b55d1f2c7>

Above: Webinar including Pam and Peter Wright from Wrightslaw. Outstanding overview of key issues, and right “attitude.”

[https://www.nclld.org/wp-content/uploads/2020/06/2020-NCLD-Parent-Advocacy-Toolkit\\_v2.pdf?fbclid=IwAR2G7HjJ6d8LfKpYhwPFXMy7vqV\\_Rj\\_x-IS3dpNfPGan2W5zBV7Y3n-V08M](https://www.nclld.org/wp-content/uploads/2020/06/2020-NCLD-Parent-Advocacy-Toolkit_v2.pdf?fbclid=IwAR2G7HjJ6d8LfKpYhwPFXMy7vqV_Rj_x-IS3dpNfPGan2W5zBV7Y3n-V08M)

Above: NCLD Parent Advocacy Toolkit for 20-21 School Year. Excellent resource for all families!