



## FAQ: Special Education

### FREQUENTLY ASKED QUESTIONS

This document is intended to provide guidance to educators providing special education services. It in no way takes the place of district-level directives and guidance. Many of the questions and answers below are excerpts taken from MSDE and USDE guidance documents and can be found in the links provided. Each school system is responsible for navigating federal and state laws to provide guidance about all special education services and communicate that information to all educators.

#### **Has the Maryland State Department of Education (MSDE) provided guidance to school districts and educators?**

**Yes.** Unfortunately, the guidance has not been widely disseminated to educators across the state. The MSDE guidance includes links to key federal documents that provide additional guidance as well as an FAQ for districts and educators. Please don't hesitate to share this information with colleagues in your district.

#### **Is there guidance that is being provided to parents of students with IEPs?**

Disability Rights Maryland has produced a helpful document for parents of students with IEPs. They offer basic advice based on MSDE guidance. We recommend that educators share the document with administration and use it as a guide when discussing the manner in which services will be provided during the current period of school closures. Additionally, Education Week recently produced an informational article that gives a good overview for service providers.

#### **Has the United States Department of Education (USDE) provided waivers for IEPs and 504s?**

**No.** USDE has not provided waivers for IEPs and 504s. It is clear that school districts are required to do the best they can under the circumstances in each state to meet the goals of a student's IEP or 504 plan. School districts are required to make every effort to meet all current laws regarding the delivery of education to students with IEPs and 504s, includ-

ing related services. Importantly, districts should not refrain from delivering education services for students while waiting to perfect special education services.

#### **Will special educators need to make up services in the fall?**

If a child does not receive services after an extended period of time, a school must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

#### **May IEP team meetings be held to develop distance learning plans for students?**

**Yes,** but it is not necessary. IEP teams may, but are not required to, include distance learning plans in a child's IEP that could be triggered and implemented during a selective closure due to an outbreak. Such contingent provisions may include the provision of special education and related services at an alternate location or the provision of online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, and may identify which special education and related services, if any, could be provided at the child's home. These temporary plans would only stay in effect while schools are closed.

A meeting, however, is not necessary if the parent or the public agency believes that changes can be made to how services are provided while schools are closed. Any agreements to that effect can be made outside of the IEP team process, and do not have to be memorialized in a formal written agreement unless the parent requests such a write-up. If there is a written agreement provided, it must clearly state that it is only effective during the time of the school closure and that when schools are re-opened, the parties agree to implement the IEP as written.

#### **Must a state lead agency continue to provide early intervention services (EIS) to infants and toddlers with disabilities during the pandemic if offices are closed?**

If the offices of the state lead agency or the EIS program or provider are closed, then Part C services would not need to

be provided to infants and toddlers with disabilities and their families during that period of time. Additionally, once the offices re-open, the service coordinator and EIS providers for each child must determine if the child's service needs have changed and determine whether the individualized family service plan (IFSP) team needs to meet to review the child's IFSP to determine whether any changes are needed. If offices are closed for an extended period and services are not provided for an extended period, the IFSP team must meet to determine if changes are needed to the IFSP and to determine whether compensatory services are needed to address the infant or toddler's developmental delay.

**Is there flexibility with respect to the timelines for evaluations, reevaluations, and annual IEP reviews as required by state and federal timelines?**

**No.** There is no authority to extend timelines under the IDEA. If these evaluations and reevaluations require face-to-face meetings or observations, they will need to be delayed until school reopens. If they do not require face-to-face assessments or observations, and the school staff possess the data needed, they can be conducted by teleconference or other means to complete the process, if the parent consents. If annual reviews do not require face-to-face meetings and school staff possess the data needed, IEP team meetings can be held by teleconference or other means to complete the process, if the parent agrees. If the team members do not have access to the data needed to make decisions, the annual review must be delayed until school reopens. If the parent is unable to attend meetings virtually or by phone, the team should document reasonable attempts to schedule meetings, as well as parent contact.

**How can special educators collaborate with the general educators and paraeducator(s) that work with students on my caseload?**

Everyone is trying to figure out distance learning, but don't try to do it all on your own. Reach out to your administrator who primarily deals with special education to make sure you know specific district and school guidance during the school closure. Then reach out to general educators to

find out how you can best modify work to meet each student's IEP goals. Many of our paraeducators are eager to help you as an educator as well as the students they work with closely. If the paraeducator has access to technology, ask for his/her assistance in reaching out to students, modifying work, finding resources, etc. Tap into your related service providers that service students on your caseload so everyone is on the same page and reaching out to parents as "on-the-scene" educators at home. Document all outreach with colleagues, parents, and students. Log all interactions with students and work towards IEP goals.

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