LEA Call

10-7-2020

Agenda

- Staff
- Priorities
- Back to Basics
- OSEP Guidance
- SoTA, data, & Fall Admin

New staff/new roles

- Nicole Adams, Assistant Director
- Julie Fowler, Education Associate
- Virtual support

Priorities

- Health and safety of all first
- Student needs – provide FAPE through the delivery of services to as many students as you reasonable can in the safest and best way you can
- Communication – document your efforts in a focused, consistent, detailed manner to demonstrate your good faith efforts to provide FAPE

Reopening

Everyone is making every effort to support the reopening of schools safely for in-person learning

Reminder

- School closures were **NOT** change in placement made by IEP team
- School closures were/are forced situation created by global health/safety emergency that IEP teams and school staff have had to deal with

Reminder

- Nothing in IDEA that mandates in-person instruction
- An IEP must be in place for each student with a disability (SWD)
- Shift from access back to learning and instruction

FAPE – Back to Basics

- IEPs are the documentation of the ***process*** of providing FAPE
- IEPs do not start and stop; therefore, they do not expire
- IDEA requires the IEP be reviewed annually
  - It may be that the team meets to begin the process of this review prior to the date of AR, but then needs to continue in another meeting
  - Although the process of reviewing the IEP annually may have begun prior to the "one-year anniversary", the conclusion may be after the date (as long as it's defensible)

Considerations

- Why did the student need specially designed instruction to begin with and why does the student need it now?
- There is no different standard for FAPE when f2f and FAPE when virtual
- If general education instruction has changed, the student's needs may have changed

Considerations

- The IEP must reflect the LEA's offer of FAPE
- FAPE can be written as in-person or hybrid or virtual – FAPE can be provided through any of these models
- Not all SWD need in-person services in order to receive FAPE
- FAPE is determined on an individual basis per IEP team

Service Provision 9/28/20

- Academic growth and safety of school community paramount
- Multiply options for instructional and service delivery
- OSEPServiceProvision

OSEP Reminder

- "…OSEP reminds SEAs and LEAs that no matter what primary instructional delivery approach is chosen, SEAs, LEAs, and individualized education program (IEP) Teams remain responsible for ensuring that a free appropriate public education (FAPE) is provided to all children with disabilities."

Consider variety of instructional methods and settings

- As conditions continue to change throughout the country, some of the special education and related services included in a child's IEP may need to be provided in a different manner; however, all children with disabilities must continue to receive FAPE and must have "the chance to meet challenging objectives."

Alternate available methods and delivery

- Virtual instruction
- Teleconference
- Direct instruction via telephone or videoconferencing
- Consultative services to parent (if feasible)

ESY

- Prospective
- Necessary for FAPE to continue
- Not intended to make up for past denial of FAPE
- Might need to provide during school year, school breaks

ESY Note

- FY 19-20 ESY funds were distributed by the SCDE Grants Accounting Department to LEA's in late August

Evaluations

- Investigate all appropriate assessment measures and tools
- Work with test developers to determine if instrument can be administered remotely WITHOUT impacting validity and reliability
- Don't think, "But we've always administered the _____ to assess _____."
- Start with, "What area do we need information in?" and then ask, "How can we get that information?"

USED – OCR 9/28/20

- It is the Department's expectation that any phase-in plans designed and implemented by school districts will provide the full benefit of educational opportunities for all students and will meet the requirements of Federal civil rights laws

- OCR09282020

SoTA

Tier 2 & Tier 3 districts have been notified via email

Please follow up with Nicole Adams at nadams@ed.sc.gov if you have questions

Additional data for all LEAs to be provided at Fall Admin

