

Good afternoon. My name is Myriam Alizo. I would like to welcome you to today's webinar. This is the OSEP Parent Center Call on COVID-19 questions and answers. Before we get started, I would like to go over a few items so you know how to participate in today's event. To the right of the GoToWebinar port PowerPoint viewer is the go to webinar control panel. This is where you have the option to select the way you hear the webinar. Raise your hand and ask questions by text is available as well. You have the opportunity to submit text questions to today's presenters by typing your questions into the questions for staff part of the control panel. You may send in your questions at any time. We will collect them. You can also download the slides on the control panel. You will notice on your screen a screenshot of an example of the GoToWebinar interface. You should see something that looks like this on your computer in the upper right corner. You are listening by using your computer system and if you prefer to join over the phone, just select telephone in audio pain and the dial-in information will be displayed. Be sure to put in your unique PIN number. The control panel will collapse automatically when not in use. To open it, click the many and check unhide this presentation will be recorded and will be available on the website shortly.

Thank you. This is Carmen, the program lead for the parent Center here at OSEP. I want to welcome two colleagues for my from office, Lisa and Kate. This came about in part because of a webinar that Diana did a presentation about what is contained in the Q&A around COVID-19 and particularly around the service provision Q&A on COVID-19 and we thought it was important information to share with everybody. So this is what we will focus on mostly. We will look, Lisa and Kate will cover very generally all the Q&A but will focus on the service provision Q&A and Diana will provide commentary and how information can be used moving forward. This will be informative and it will help you through these difficult times to work with families so they can do what is best for themselves and their children in order to get the services they need. Without further ado, I will turn it over to Kate and Lisa. Thank you again, everyone.

Thank you so much, Carmen. And thank you to everyone for joining us today. I know Lisa and I want to echo Carmen's sentiments about what a difficult time this is and the challenges that everyone is facing. We just want to thank you again for working with us and continuing to set questions and be partners with us in this work as we develop responses to questions that we received throughout the pandemic. So with that, I want to talk through a little bit of our process internally so we received over 400 inquiries related to the pandemic that came from a variety of sources including parents, local school systems, state directors, parent centers, organizations, a whole variety through customer service specialists and, in addition to them, through the COVID-19 mailbox that received a lot of inquiries and our state leads and our partners brought questions to us as well. So with all of that, we received over from -- over 400 various inquiries. And as a team, we determine the best way to respond to those was to work on a series of Q&A documents that would address the bulk of questions we received and we felt that we could bucket those inquiries into a couple of different categories to cover responses for both Part B and Part C. So we worked on responses through Q&A on dispute resolution, procedural safeguards, IDEA fiscal flexibility, use of funds, we had to periods of availability a waiver document that went to Part B and Part C, evaluation and

timelines for Part C and what we will spend most of our time talking about today is the service provision for Part B and Part C. We wanted to spend a little bit of time talking through some of these other Q&A that we put out because there are a couple of areas we felt like both Lisa and I in thinking about them may be relevant to some of the parent centers that we have on the phone today or on this webinar that you may find useful. Just to highlight a couple of things, we did come out with some initial guidance way back in March. There was a Q&A that came out related to providing services to children with disabilities during the pandemic. And then we had a supplemental fact sheet that addressed the risk of COVID-19 at preschool, elementary, and secondary schools and one came out in March. In both of those are hyperlinked in this presentation. So in the sidebar, you'll see a PDF copy of this presentation so we will directly link you to these guidance documents and resources. We followed that guidance with our dispute resolution, COVID-19, first Q&A that we came out with. Two areas, the procedures, we need to continue to move forward, related to dispute resolution. There weren't any changes in the timelines. These processes continue to be available and most likely will be completed virtually. State complaint timelines could be extended but those need to be determined on an individual basis between both parties. Lisa, do you want to speak anymore about that?

Yes. You know, when the pandemic hits come I think one of the biggest questions that we received about everything is what happens to timelines? Whether it is resolution timelines are some of the other timelines that are in the requirements, for folks who had to process complaints pending or wanted to file a due process complaint or estate complaints, how could they go about continuing to access these dispute resolution procedures and, so far, I mean, we heard anecdotally that the virtual processes for these, whether it is mediation or due process hearings, that these happen in state and Diana, I am curious whether from your experience and what you are hearing from families, whether they run into problems with being able to continue to access dispute resolution options, during the pandemic.

One of the things that we heard early on in the pandemic was that the dispute resolution options seem to be a bit of a challenge she states and trying to figure out how to do virtual mediations and virtual hearings, in most states, we heard that the dispute resolution options now seem to be moving forward. However, we have heard some situations where states said that they could unilaterally, for all dispute resolution options, extend timelines, and so the dynasty came up from the department of education about the fact that those decisions had to be made individually and could not just be made unilaterally for all dispute resolution sessions has been very useful in one of the things that is important for parent centers to remind parents is that there was a period of adjustment where people had to figure out how they were going to hold these hearings were mediations and that it was reasonable to have a period of adjustment but now, so many things are being held virtually that the period of adjustment should be over and those different types of options should be happening and it should be happening within the time frames unless there's individualized reasons why we can't move forward.

Thank you be one of the things that I know we have shared is some of the TA centers and I believe the parent Center had some input in this also, are the tips for conducting committees virtually. We think some of the principles and the documents are very helpful to school districts, providers, parents, participating in dispute resolution options virtually. So you might want to think about using that resource to communicate with your families also around everybody learning how to communicate virtually. Have to tell you that I am not crazy, I'm not big on computers so I will turn it back to you, Kate.

All right. Thank you. So the next document that we released on June 30, 2020, with the Q&A procedural safeguards. And this one addressed increase concern regarding implementation of the IDEA procedural safeguards. One of the biggest questions that I think we were seeing was around consent and written consent and how could you get consent from parents and is just a parent agreeing verbally over the phone sufficient and we just clarified in these documents and other guidance that have been out that the consent needs to be provided electronically or you could do it by mail but it needs to be, the parent needs to document their consents . cannot just be provided verbally. Lisa, do you want to expand on that a little bit more?

Yes . we heard sort of the next generation of that. So it started out with the parent told us over the phone they give permission for us to start services or to do an evaluation. And it is with the best of intentions as we do not want to delay those services or the evaluations or the child. But verbal consent over the phone is not sufficient to me by IDEA requirements pick but the next generation was well, they gave it to me over the phone, and I wrote it down, isn't that good enough. And you know, the consent has to be in writing from the parent signing a hard copy document or writing electronically with weight to authenticate that the electronic consent, that the agency has some way to authenticate it really from the person who has the authority to provide consent. So it's not that folks are trying to do shortcuts. I think it is over the idea of trying to prevent delays. The consent is so important that we want to make sure that the integrity of the consent is preserved. I will pitch to you to see if there's anything you want to add.

I think this, like some of the other topics that you will adjust today, really reminds us as a parent centers to get back to the basics. We have to remember that procedural safeguards are procedural safeguards and have to be followed even during the COVID environment. There may be some adaptations like virtual signatures or other adaptations for other aspects of virtual meetings, et cetera, but the procedural safeguards are the procedural safeguards and the guidance has made it clear that procedural safeguards stand despite the pandemic. Back to you, Kate.

Okay. So we just wanted to point out to you all, there were two waivers of some fiscal flexibility that we put out for state, both Part B and Part C pick a slightly different, only Part C agencies that were at Leeds were able to apply for the waiver and the timeline so it's basically the timeline that they could realize the funds. I do not believe this typically will filter down to the parent level but we just wanted to include this information so that we could share all the information that we put out, all the different guidance. This use the funds what I think is much more relevant to parents and what this document clarified

was that Part B or Part C funds could be utilized for things such as hotspot, Wi-Fi, accessibility, to be able to access virtual instruction or otherwise. So if a parent does not have the technology to access the virtual classroom environment and they want that for the child can -- then those funds can be used to add -- to access those resources. We clarified in the documents that infect funds could be utilized for those types of activities. We did encourage states to utilize and I know in some states they have set up mobile hotspots and things like that to the extent that they could access that, those technologies without utilizing the funds for those purposes, the better, but we just wanted to highlight that as a use. Lisa?

I don't have anything more on that. Thank you.

Okay.

Diana, did you have anything?

No.

Anything to add, Diana, that you hear from the field?

The only thing I would add on that is I think it's important that parent centers know about the fiscal issues, whether it is the waivers that become part of the previous slide of this information about the use of funds because parent centers are not just helping individual parents be able to respond to the situation but they are also partnering with their state permits, state agencies, and so it is important for parents to understand this information so they can be very effective partners with the state agencies in making the best decisions about the use of funds.

Yes.

[multiple speakers]

Go ahead.

I will jump in now that Diana said that's. Of course, you know, any use of funds, it is still, the use needs to be allowable, meaning that it is necessary, that it is tied to achieving the program objectives, and the big one is the reasonableness. So you know, before making an investment, the [indiscernible word] needs to make sure that the expenditure will meet all of those tests. Sometimes as much as they would like to do something, they may be constrained by one of those factors about whether the use of the funds would be allowable so that is why it was so important that this Q&A talked about Wi-Fi and hotspots because people have not traditionally thought about using the funds in those ways but clearly a child can access judgment cannot access if they cannot access the program online.

No. That's great. The next one that we put out on June 26 was the flexibility on IDEA Part B fiscal requirements. This one I don't think there's anything that we really highlight. I think that it generally just talks to similar flexibilities that we have discussed related to using funds and also flexibility around reporting requirements and things like that. So we included that here. I do not have much to highlight on this one unless you have anything, Lisa.

This document really is more about states meeting their maintenance --

Yes.

-- Maintenance effort requirements. There are no flexibilities provided. It is the same as any other time. So it was more to mitigate to states and others who are interested in the rules around meeting those requirements.

The next one is evaluation timelines for Part C that came out in July. The biggest thing we want to talk through related to this Q&A is the documented exceptional family circumstance option that is a flexibility that is within or that can be used with evaluations or assessment timelines. So in Part B, there are not many flexibilities related to timeline requirements. But in MSIP -- Part C, there is the option to use document exceptional family circumstances pick that being said, the documented exceptional family circumstance needs to come from the family. So if a provider is sick or there's a provider reason, that does not qualify as a circumstance. Also a district or EIS program, they cannot put out like it statement saying that this is going to be covered for all evaluations and assessment timelines and that the document would not be used for that. This is not unlike the dispute resolution time I

It needs to be an individual decision between the team that needs to be documented in the child's record. If there is an evaluation or assessment timeline, it could not be met due to COVID because the parent was not able to come in for the assessment, there was no way for that assessment to occur in virtual environments because of this COVID pandemic, that would qualify as a documented exceptional family circumstance. Lisa or Diana, anything you want --

I do not have anything.

I would say this is another really good example of the fact that there is this provision already under Part C that allows for delay in the evaluation and assessment timeline based on family circumstances and now there might be additional family circumstances that might trigger that delay but it is still, it has to be individualized family circumstance and not just a general statement that we will extend evaluation and assessment timelines.

Yes. And so at this point, we would like to pause to see if there any questions that we can address before we get into some of the more specifics, the service provision Q&A's for Part B and Part C.

It's just about what we covered so far, maybe a couple of questions.

Absolutely.

We have a question, if you can write clarification on changes to an IEP that are being made through written notice that it is a parent agreement that is required and not just parent consent?

I'm not sure what the distinction would be. I would think if they are providing consent, they are agreeing to it so I'm not quite --

[multiple speakers]

-- Notification [multiple speakers] Part B service provision piece about making changes to IEP's. So maybe we can see if we get to that, what is being asked here when we get to more of that part. Yes.

There is no difference under COVID between when parent consent is required and when it is not required.

I will say particularly I do not know that it was as clear before. But clearly for the present school year, OSEP has made clear in this series of Q&A documents that children are entitled to appropriate come early intervention services. All of the safeguards that have been in place for infants, toddlers, children with disabilities, their families, they are on. You might recall that the secretary was provided the opportunity to ask for waivers, the requirements, and the secretary did not ask Congress for waiver for any requirements we're talking about today. The only one that was on their list had to do with children to remain in Part C and continue to be served who would typically have transitioned to part B if the transition was difficult due to the pandemic and even that some I don't even know what is going on with that to be honest. We are proceeding with all requirements as they are in IDEA with the expectation of those requirements being upheld and implemented. Diana, you will -- you look like you have something to say?

I am just agreeing with you.

Okay. Okay. So all of the rules --

The rules are the rules and the secretary did not request any changes except for that one which has not been acted upon at this point. So what was is still. And again, going back to the basics, parents, dissenters, this is what is in the law and the regulations and the requirement still stands.

How they are being fulfilled may look a little different but the requirements are still there. One more question.

Sure.

Some districts are telling parents that deadlines are shifted due to COVID. You have any recommendations or wording that can be shared with families when they are likely being given misinformation?

If they are school-aged, I would utilize that is that we put out. It is stated in their clearly the information related to timeline requirements.

Right.

I think we've given good language . think it is clear language. It has been carefully vetted and looked at to hopefully be clear to a variety so hopefully it will be clear to your district and part C providers when you point there attention to the relevant question. Do you want to do one more?

Thank you. And I do have a comment to share. This is a great document thank you so much, I use it all the time.

[laughter]

Good. All right. So moving back to the PowerPoint, all right. So we have released to Q&A documents, Part B was released at a 28, 2020, and the Part C was released October 21st, 2020, regarding the implementation of IDEA provision of services people will start talking through the Part C provision of service document. We will pause for questions after that, and then we will talk through the Part B service provision Q&A. Briefly, the Part C of the IDEA provides funds to the state lead agencies to make EI services available to all infants and toddlers. These services are provided in conformity with the child's individual service plan through the ISP see that we talked about. We have included particular regulations that are relevant to part C and this is also included on the Q&A document itself within the narrative, kind of the introduction of that. To talk through a couple of the questions on the Q&A and highlight the areas we want to draw your attention to because it's really the meat of the question, so the first question we impose is how can parents, state lead agencies, and early intervention service providers hold initial come a periodic, and annual IFPC meetings when lead agency and EIS providers cannot conduct face-to-face meetings? When we can go into the home, when there's been a governor mandate to say face-to-face activities cannot occur, then the local programs have said we cannot carry this out, so when in person meetings are not feasible or practical, the retirement is extending the flexibility for the IFPC periodic reviews to be provided through alternative means such as the telephone, through videoconference, and if acceptable, if all of that is acceptable to parents under the IFPC meetings, it is really highlighting what has always been in place, but specifically under the circumstances, you can utilize these other mechanisms to conduct the meetings. Again, this goes back to the use of funds that they. Their -- there are ways to engage a family to get support for some of those technologies to access a meeting, whether that is dropping off something so that parent can participate in the meeting but again,

telephone, you can utilize the telephone to participate in these face-to-face meetings. Anything else? Lisa will talk a lot after so I will talk a lot and we're looking at 3:30 PM and I don't know how much more we want to talk so I'll be quiet until my part.

Okay. All right. So question 2, it talks again about does the IDEA allow for flexibility in meeting the 45 day timeline and so again this speaks to the document exceptional family circumstances, flexibility that has always been a place in part C and can be used in the current circumstance variant, the COVID-19 pandemic would cost to a documented exceptional family circumstance. Again it needs to come from the family stating that. And keeping in mind that there are state mandates and things like that that would need to be employees and discussed at the IFPC and team level to make sure that is document but we address the question in our Q&A. The third question that we have, what must the state lead agency and the EIS provider do if you cannot provide the IDEA Percy services in accordance with the IFPC due to the pandemic, so when the lead agency or EIS provider cannot provide IDEA Percy services in accordance with the IFPC, you must provide written notice to the parents as soon as possible and then it must pull together that child to discuss how the services, what alternate means of service delivery needs to be put in place in order to meet the child's needs. So it could be something that occurs by videoconference or otherwise. That being said, if the service provision, if it's consultative services and that could occur virtually, and that is continuing to occur, then the may not need to meet. They can continue the consultative services just carrying out a telephone or videoconferencing. If it is something that is more in depth, say Occupational Therapy that would require hands-on activities, how will you do that virtually and maybe it is not really making sense, that the would really need to come back and discuss what needs to be put in place. Was it always the way it occurred and they just punt to videoconferencing? Some of those types of things could be and should be discussed at a team level.

I want to add one thing. We as parents center staff, when we talk to parents, and the parents as well this part of the ISP is not being delivered the way it has in the past, I think one of the important things to talk about is is it being delivered in an effective way, is it meeting the needs of your child and family because if it's meeting the needs of your child and family, then it is effective and that is what you want and I know at least in our state, which is now, the system is providing in person services, a significant percent of families decided to stay with virtual services. They felt virtual services were actually less intrusive and more effective and they enjoyed them more and they really helped the parent learn how to be able to support their child develop and. So I think it's not always got to be exactly the way it was before and it might actually be better a different way as a parent should really think about that when they are considering what is happening with their invitation.

Right. Agreed. Yes. We have heard from quite a few states that utilizing this virtual platform has allowed them to access rural areas and maybe parts of the state that they were not actually able to get services to through the use of this virtual environment so I think we will see, we will probably be discussing the use of the virtual services, especially with part C and some parents I know has stated that they felt that they could

focus on the provider and take the information to the videoconferencing in a way that they maybe were not able to access when it was just coming into the home so I think you are right, Diana, I think we are hearing some good stuff but I would say that if there's a service that you are feeling like it is, we are not there, we are not meeting the needs, and then that is where you would put the together and talk at three. If you are working and supporting parents, helping them understand the importance, not that they need one more thing to do, but if it is documenting the child's progress or documenting regression, so is the method being effective and how do we measure that effectiveness and so there may be some services that just cannot be provided during the pandemic for a period of time to the extent that parent can try to document objectively what they are seeing in the child and the child's developing and their abilities during that time I think would be very helpful as they go back to the and say now what are we going to do to help get my son or daughter back on track.

Before we go into the part B documents, are there any questions related to Percy in this service provision questions that we have talked through?

Yes. There's a question, will hard see funding be available to cover the purchase of iPad or assistive technology devices to facilitate telehealth? We are hearing some families are declining services for lack of technology and Internet access.

Right. So that is like I try to highlight early on, so the document that we talked about, the question and answer document related to the use of funds, specifically if you look at part C, I would share that with parents and it talks about utilizing these funds to purchase technology such as iPads and even, you know, you could get a computer to a family, things like that, the part C dollars can be utilized for those tools. That being said, I think some states are accessing funds in other pockets so they may not use Percy dollars for it. But if it is at the technology that is preventing the child of the parent from accessing the service, that is not acceptable. The parent needs to be able to access the service. And we would encourage the use of technology. I mean, if the state is using that across the board, Lisa, --

We've always said Percy is kind of the payer of last resort for things, isn't that right?

Yes.

So if there are other funds that are available, I mean, there's one thing to say that it can be used as opposed to funds are used or funds will be used. We have given the guidance, giving permission for funds to be used in this way so I think it is a conversation for parents to have with their service providers to say, look, our child is not able to get the services so can you help link us, like they link with so many other things to help link us with technology and equipment so our child can continue to make progress during the pandemic and Diana, did you have some thoughts?

The only thing I wanted to add to that is it is important for parent centers to be familiar with their state rules and any exceptions that the state may have made in terms of, for

example, the Medicaid funds to be used for virtual services, you know, many part C services are paid for by Medicaid so being familiar with the state rules is really important to be able to give full information to the family about how they might be able to access iPads, you know, Internet activity, et cetera.

And really, I think this is, take it to the team and that is where the decision needs to be discussed because sometimes they may say, through the telephone, we are able to provide this. I think that is where the discussion comes in between the parent and the provider to say, hey, this is not working, the phone isn't enough and is not really servicing my needs and I need more to be able to access the service coordinator or the provider's training and I am not able to track it on the phone. So that would mirror it, the team determining that this needs technology in order to access the service. I think that would go to the school level but most schools seem to be providing computers and so many people have smartphones now, right? They can perhaps connect with Zoom or some other technology, but we cannot assume that families are going to automatically know how to use all of this stuff in a way that benefits their child. So the teams in the case of the teams really need to have a discussion with families about what you need in order to be able to actively participate in services for your child.

One other thing about smart phones is that many families, but lately lower income families, they may have access to a smart phone but they have limited minutes so that is another consideration that has to be discussed because of family should not have to use all of their minutes on accessing IFPC services. But again, it is important for families to raise these issues to let the team know what it is that they need in order to be able to make sure that their child or family receives services that are on IFPC will help the child and family develop and meet the identified outcomes.

You just illustrated something to me, Diana, that is so important, sort of the basic don't assume anything so I am assuming because you have a phone, so really not assuming anything.

Think you so much. That was fantastic guidance. And all of the questions were really related to how to access technology, particularly when part C said they have no money for that. So take it to the team and talk through that type of whatever they are providing because they need to provide the service so the Percy program can't say we don't have money to provide service of the telephone, if it's not working for a family and they are not able to see a benefit to that, then they need the technology to do that. So we will go back to Part B. Moving on. Hold on. There we go. Okay. I'm going to lead this part of our discussion today. Kate and Diana will provide commentary and updates as we go along. One of the things I want to point out is the provision Q&A was issued on September 28. The Q&A was issued by the document I was talking about today and also on the same dates, the office for civil rights issue to Q&A that addresses many of the issues that also pertain to the children and families that you serve and that information in some ways is a little or a lot different I just want to point out in particular, evaluations under section 504 have some different information than what we have said around evaluations and so even though these documents have the same dates, they are formatted differently and

just make sure that when you are thinking about what you want to look for, you are looking for the guidance. Kate has done a terrific job in this PowerPoint a vacation that you've got links to everything that we are talking about today and I am going to do a plug for the hyperlinks because they were a pain to make sure that they are all accurate and included so please use the hyperlinks and try to make it as easy for users as possible to get to that relevant regulation or to get to a document we can cross-reference so please take advantage of our work. As I said a little bit earlier, this document, this September 28 document that was issued is really a message for the 2020, 2021 school year. That message is strong and clear that no matter what primary instructional delivery approach is chosen, the state educational agency, local education agencies and IEP teams remain responsible for ensuring [indiscernible word] is provided to children with disabilities. So even if buildings have to be closed because of safety and health concerns, everybody is learning at home or maybe some people are learning at home and some are in school or maybe your child is doing at home and at school and no matter what the delivery approach chosen, there's still the allegation to provide FAPE to a child with a disability under IDEA so let move on to the next slide, please. The first question in the Q&A that we will take a look at is what steps can you take to ensure a child has IEP in effect at the start of the 2020-2021 school year? We came in a little late with the guidance on that but, in any case, the response to the question makes clear that IEP teams they need to reconvene and I think Diana spoke to this a little earlier, you know, that what was in the IEP may not be effective for ensuring FAPE to a child given what a instructional approaches being delivered at a particular time and so it is important for the IEP team to reconvene at of course that IEP team includes the parent to determine what kinds of revisions need to take place. There are also provisions in IDEA that say, well, maybe you do not have to convene a full IEP team to make amendments or changes to an IEP. But the message in this question is that to ensure an appropriate IEP is in place, LEAs might have to convene an extra meeting. They might not have planned a meeting to occur about because of a certain hereunder, it might be necessary to convene an IEP team to take another look at a child's IEP and make sure that it's going to provide the child with an opportunity for FAPE to work on challenging objectives . I know we have heard a lot about homework packets and there are a lot of concerns about how the packet is fashioned to provide FAPE in itself. We can see that as conditions continue to change, we encourage IEP teams to talk about how can services be provided across different instructional methodologies so what the child is receiving right now and where the, where they are receiving it can easily change because the numbers are spiking different places across the country. We are seeing decisions being made and I will tell you I live in a county where no children have actually gone back into the school buildings this school year so we are encouraging teams to take a look at what is needed for a child and given the different methodologies, the instructional methods of providing services, what they might look like if they need to change a little bit because the child goes from a hybrid setting or vice versa and I want to say just a little bit about distance-learning plans, contingency learning plans. I see Diana :-) there are a lot of names for these plans that may be well-intentioned to clearly communicate how children in the school will access education during the pandemic so please keep in mind those plans do not take the place of an IEP. Children with disabilities continue to have the right IEP that will provide

them with FAPE and the plans detailing that I'm sure you guys have seen, I know we saw in an office where a parent was basically told the child's IEP will be implement when the school building opens, they do not take the place of an IEP. Diana, is there something you want to add?

Two things, the first thing is one of the things that we have heard is that district were not developing IEP's in the spring and early summer as they often do. And so if there wasn't an IEP developed at that time, then the IEP team has to meet and develop an IP because as he said the child has the right to have an IEP at the beginning of the school year. The other thing about these distance-learning contingency plans or whatever they are called that we have heard is that we have heard that in districts where the school was going to be open for children with disabilities but parents felt that their children were not going to be able to comply with physical distancing or mask wearing, et cetera, so parents did not choose or did not want their children to go back to in person schooling, that sometimes parents were presented with kind of a non-IEP document and basically told that unless you send your child to school in person, then they are not going to have an IEP and they can only happen if they come in person which of course it has to be an individualized determination and so I just wanted to bring that little extra example of ways in which children with disabilities are not always been provided with the IEP's they are entitled to during this period.

Thank you. I'm starting to get bored because it is 3:52 PM and I've got a lot to cover and I talk so much and that is where we had to get Percy done first. I'm going to try to be a little less verbose on these next questions because I know you can't, we can access the information to the Q&A. But in question 2, we adjust who needs to be part of the IEP team and of course it is the same folks. They are still the provisions that apply around excusable from an IEP team and you can see there that the circumstances are around excusing a member from attending a meeting and they are listed for your information. So let's move on to the next one please. So this question 3 addresses a process that has been in the regulation since 2006. I don't know how often it was used. Certainly with a pandemic, we heard about it being used quite frequently. And that is the amendment process where if the parent and public agency agreed to do this, they agree not to have an IEP meeting for the purpose of making changes. Instead, there is a written document that Amanda modifies the child's current IEP. It is important to remember there might still be an annual IEP team meeting. This process cannot stand in the place of the regularly required, at least once a year, convening of the IEP team to review the child's progress. It will determine what will be provided for the child in the upcoming year. If the parent and public agency to make changes to the child's IEP, then the public agency needs to make sure everybody responsible for lamenting the IEP knows what has been changed. And if the parent asks for it, and I think many school districts automatically provide the revised, but if a parent says they did not get a copy, you know that if they ask for it, and the school needs to provide them with a copy of the revised IEP that reflects the changes that were made as a result of that amendment process. So if changes are made through the amendment process, the parent is still entitled to prior written notice and clearly explains in language that they can understand what changes

are being proposed and the reasons for it, the basis for it, all of the required content under 300.3503. So let's go to the next one, please.

Question 4, this was, we had received a number of questions about what about extended school year services. We did not have an answer in time for summer 2020 but now you have it. In this Q&A, we adjust what can a public agency with a child needed ES Y services and should have received those services during the summer. What can be done now? In this Q&A, in the answer, we may clear that even if they were not able to provide this service, the child's entitlement still exists so, even if the school was not doing any ES Y, the child is still entitled to the services and we note that most folks think of yes why is being summer type services. There's nothing in the revelation that requires services only be provided during the summer. Set there may be ways that the IEP team can look at how to address the same needs that would have been address during ES Y, during the course of the school year. So it might be during school breaks, vacations, where schools may not be operating the full 7 1/2 hour day or whatever, there may be a way to extend that child's school day to help address those needs that would have been addressed during the summer of 2020. Any thoughts on that, Diana? I realize I cut you off the last couple of slides. Sorry.

That's okay. No.

Okay. So in looking at questions 5 to 7 of the Q&A, we get at the heart of probably, Kate, when you say, the most questions we received were really about timelines and what you do if you keep the timeline that, you know, educators are very concerned that they were not able to meet timelines. Parents read to us very concerned that their children, what can be done, and so in this Q&A, we lay out that in the case of initial evaluations, what are we doing? We are going back to look at what is your state timeline. That is still your time I. Are there any exceptions where we talk about, some states create their own timeline and some of them are so wacky, I have a hard time figuring it out like how you whatever figure out, sometimes they at a COVID exception to the timeline and we say in the Q&A that any state established exception needs to follow state policy and procedure and what IDEA says it you have to give the opportunity for the public to comment on those so the state cannot just suddenly add we are adding COVID as an exception, right? If they were making that a state rule or policy, that needs to go through the public participation period. We've got the initial timeline which could be 60 calendar days if they are using the timeline in IDEA or whatever the state established timeliness. That includes any allowable exceptions. The truth is there are a lot of timelines that we missed. I think you guys, as guides for parents, can really help parents present their concerns and constructive [audio cutting in and out] we can't ring the bell and go back and give a timely evaluation when the chances missed. So think about how you can work with parents to express their concern in a constructive way to go forward and obtain an evaluation they believe is going to be full and comprehensive and help identify their child.

One of the things that has happened with COVID's some of the different test manufacturers and professional associations have made adaptation, issue guidance, et

cetera, that says we may not be able to do that the way we used to but it is very important for our eligibility funds, they get the services they need, so I think, you know, making sure that parents and team members know about those adaptation commodification, guidances are really important because that it is more unlikely that child will be able to get the evaluation.

That's a good point. It actually in the Q&A, we encourage LEAs to investigate all appropriate assessments, assessment instruments, we have to ensure the results are still valid and they reflect the child's abilities but, as Diana said, you know, I think some of us did not expect this to go on for so long and now, you know, the continuation, realize there are different ways of doing business so if there are ways that we can still get valid assessment results for children by performing these assessments, remotely, you know, those need to be done so thank you for bringing that up. Other timelines, you know that IDEA requires, once that evaluation has been completed, and the child has been determined eligible, there requires an initial meeting within 30 days to determine eligibility and there's also, as I mentioned, earlier, the annual IEP meetings, and just as Kate spoke about, using other methods for families and meetings to occur, we address that in the Q&A using videoconferences, telephone, as a way to have folks people to come together and carry out those IEP meetings in a way that families can still participate meaningfully and I will do another plug for that resource for holding virtual IEP meetings. You cannot assume a family is going to know. It's awkward when you start doing meetings virtually.

It's on the Center for Parent Information and Resources website .

Excellent. There are really good tips on engaging parent that of time before the meetings. The other timeline is re-evaluations at least once every 3 years. We also adjust completing necessary assessment procedures.

There's good guidance in the reevaluation section of the Q&A that gives ideas on how re-evaluations, those triannual re-evaluations can be done during COVID. Great suggestions on how to do that.

Great. Thank you for that plug. Sorry that I'm looking at the clock. It's 4:03 PM. Make sure you go through the Q&A in more detail that I -- that I am covering it now. One of the other things, I added a couple of slides here beyond the Q&A. Is information that we presented with another group I thought it might be helpful, particularly as you are working with parents and it brings up again is the responsibility to make sure that children can actively use the technology they are given to effectively use the technology they are given, and I just wanted to remind folks that there are provisions in IDEA outside of the pandemic that when developing each child's IEP, each and every child's IEP, it is to consider among other things whether the child needs technology advices -- assistive technology devices. I want to go back quickly to the assistive technology devices, if you take a look in your regulations, how that is it defined, assistive technology service in particular, that can include training or technical assistance for a child with a disability or, if appropriate, the child's family. So think about that as you talk

with parents who are going into IEP meetings who may be struggling with effectively using the technology that they are given or they are going to be given technology so that they feel comfortable making their needs known. Diana?

I just agree.

[laughter]

Here are some resources for you around use of technology and devices, particularly the use of funds and there's also the national Center on accessible educational materials that might be of interest to you. Outside of the service provision Q&A comedies are questions we've gotten fairly frequently and I think we have already drilled this one home. Are the procedures and timelines for developing and implementing IEP's the same during the pandemic and the answer is yes. What steps can parents take if they believe their child cannot receive FAPE when services are provided virtually? Certainly we encourage parents to start with their IEP team or their [indiscernible word] team, you know, sharing their concerns about why it is not working. If they do not get satisfaction when they do not feel like they are still able to get a program that is appropriate for their child, then the roads lead to dispute resolution methods similarly to other times when a parent believes their child is not being provided an appropriate program. So the last question, for federal, state, or local funds come are they available for parents to obtain services from a private provider, this has been a fairly common question. Parents say, you know what, if the school cannot do it, why can't you get the money that school is getting to me because they are not sending the therapist, if you just give me the money, I will hire the person on my own and our response to that is FAPE does not -- IDEA does not include a mechanism for doing that certainly and they can bring that request to their IEP team and ask for funds to be provided. I know certainly to state complete resolutions, sometimes parents are reimbursed for having procured services privately. Diana, the webinar that you did for the codger, one of the things that I thought was so strikingly important was when you make clear the differences between home instruction, homeschooling, and services provided in the home pursuant to an IEP. So I would just encourage you all as you talk with family to be sure when they tell you that services are provided in the child's home are being provided at home, that you kind of dig little bit to find out is at home instruction, is it homeschooling which you have heard a number of families say to get this virtual stuff, I'm just going to teach my kid myself, right, and so they apply to their local school board or whatever the procedures are to remove their child and they take responsibility for teaching their child themselves which [indiscernible word] has said whether those children who are being taught by the parents have any consideration for equitable services that that is really on the state pic of a parent decide to homeschool their child, they may be actually relinquishing access to any publicly funded special related services. The last one was I did homeschooling, home instruction, --

If your child's placement is a general education classroom with supports than being educated and would mean that they would still be educated with all of the other children in the classroom, the general education students as well.

It's very important for parent centers to be clear about it and also make sure that the parents have heard about it because a lot rides on what is actually happening.

This is a big one. I'm sorry you all can't see it. What is the responsibility to provide one-to-one aids or other supplementary aids and services? I've only got four minutes so I will keep talking while you do that. I don't know what's going on.

As I've said before, the child needs to be provided FAPE pick if the child needs a one-to-one aide or supplementary aids and services for FAPE, that needs to be provided. As services are being provided in different ways, I think the first thing is typing team needs to identify how the services are going to be provided and determine the level of support the child requires. What was the purpose of the one-to-one aide on the IEP? We give a couple of examples here. If a child requires silent which interpreting services, that is going to continue, whether the child is being taught virtually or is actually coming to the school building. If a one-to-one aide very for a child in order to transition place to place in a school building and the child is being taught at home, then that additional assistance is not needed during that time. I'm not saying that one-to-one aids may never be required, but it is important to look at what is the service and the purpose of that support and what is needed, how does it fit with implementing the goals and objectives? It goes back to the IEP in place for a school building may need to be tweaked a little bit for what's going to happen in a virtual environment and the beautiful thing about IEP's is they are meant to be revised, they are meant to change to adjust to the child's progress or lack of expected progress so just communication is so key between parents and folks at school or the early intervention service providers and we are so thankful for all of the support that you provide to them to help them be able to communicate the needs of their children in ways that can lead to programs that are developed that lead to improved outcomes and results for their children. So I think with that's, I'm done.

Yes. We have some time where this would be, if there any questions related to parts be service provision, otherwise we just have one minute.

Questions we don't get to today we are happy to take from the chat. If the parent Center can send those to us, will be happy to disseminate responses that you can share with the attendees today at another time.

Thank you very much. We will share the questions that have been collected in addition to comments saying thank you very much for the wonderful resources and the value of having this presentation and having Utah people through the Q&A. In interest of time, I would like to say thank you so much. We appreciate the time you spent with us today. We will share the questions before we close out and I just want to check in to see if Carmen had any more comments. Thank you to Lisa and Kate and Diana for your time today.

Thank you and we will said you the revised PowerPoint's and we will make sure that we get answers to your questions as soon as possible. Thank you for attending.

[event concluded]

Transcript for Event