Considerations for District and School Administrators Overseeing Distance Learning for Students with Disabilities

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This brief provides guidance and resources to help district and school leaders ensure students with disabilities are well supported through distance learning prompted by the coronavirus crisis. The brief begins with key questions to guide administrators as they consider how to address the varied needs of students with disabilities that range from mild to low-incidence. The brief then provides suggestions and resources to address the following critical areas:

» Creating a supportive distance teaching and learning environment for educators

» Using support staff effectively

» Understanding the legal requirements of special education during school closures

Questions for Administrators to Address About Supporting Students with Disabilities via Distance Learning

Certain broad questions about distance learning — such as which learning platform will be used, how all students will get access to computers and the internet, how to provide support for families related to distance learning — must be addressed for all students by district and school leaders. In addition to those questions, there are myriad issues for administrators to consider in relation to supporting students with disabilities during this unexpected

U.S. Department of Education Statement on Distance Learning for Students with Disabilities

On March 21, 2020, the U.S. Department of Education, Office for Civil Rights, and Office of Special Education and Rehabilitative Services issued a *Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities* (https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf). That document says:

> *Although federal law requires distance instruction to be accessible to students with disabilities, it does not mandate specific methodologies. Where technology itself imposes a barrier to access or where educational materials simply are not available in an accessible format, educators may still meet their legal obligations by providing children with disabilities equally effective alternate access to the curriculum or services provided to other students… Consider practices such as distance instruction, teletherapy and tele-intervention, meetings held on digital platforms, online options for data tracking, and documentation. In addition, there are low-tech strategies that can provide for an exchange of curriculum-based resources, instructional packets, projects, and written assignments. (p. 2)*

shift to distance learning. Below are a handful of key questions that administrators should ask in order to develop a clear plan for addressing the needs of students with disabilities.

1. What professional learning/support do teachers (general and special ed) need to be able to provide support for students with disabilities?

2. How will general education teachers and special education teachers continue to collaborate for students with disabilities in general education classes that are now happening remotely?

3. How can paraprofessionals be utilized to support teachers, students, and families?

4. How will school nurses and related services personnel support students who are medically fragile?

   a. Who is responsible for coordinating those services?

   b. What services can transition to teletherapy?

5. What are the legal requirements of Special Education and fulfilling individualized education programs (IEPs) when it comes to distance learning?

   a. Do IEPs need to be amended?

   b. Do we keep a record for potential compensatory services?

Creating a Supportive Distance Teaching and Learning Environment for Educators

During this unprecedented period of school closures and emergency distance learning, teachers, students, families, and others will be looking to school and district leaders for guidance and support. It is important to support the transition from in-person to distance teaching and learning, paying particular attention to student groups who may face more challenges due to their disabilities that affect how they learn.

Communicate clear expectations for distance teaching and learning

Establish and maintain one main source for updated information on district and school closures — such as a webpage or a view-only shared document — where high-level, institution-wide information will be posted and shared (e.g., updates regarding attendance, grading, providing devices to students who need them). When providing teachers with guidance and information about distance learning in the current context, it is useful for administrators to acknowledge the similarities and differences between in-person teaching, emergency remote teaching,[1] homeschooling, and online teaching and learning. Work closely with union representatives to coordinate information and ensure that all branches are using shared language and sending the same message. The following are some best practices for communicating with educators at your school or district:

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1   Milman, N. B. (2020, March 30). This is emergency remote teaching, not just online teaching. *Education Week* [online]. https://www.edweek.org/ew/articles/2020/03/30/this-is-emergency-remote-teaching-not-just.html

» Communicate often and help educators, related service providers, and paraprofessionals stay connected

» Communicate whenever information is updated by the state or district

» Hold check-ins to share information and good news

» Highlight innovative ideas that districts, schools, and teachers are trying

According to the "Seven Steps for Districts Navigating to Remote Learning," the first step is to "expect some failure and admit mistakes" (Horn, 2020, p. 28).[2] Communicate to teachers and staff the recognition that this transition to distance learning is a new challenge and there will be mistakes, as well as attempts at innovations that may or may not work as intended. While educators know that this period of distance learning is a nationwide experiment in education, they may need to hear from their leadership that mistakes will be made, and that educators and administrators will learn from them and move forward.

Plan for right now and what's next

In order to support educators in transitioning to distance learning, administrators will need to plan for both immediate concerns and issues that may lie ahead.

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2 Horn, M. B. (2020). Seven steps for districts navigating remote learning. *Educational Leadership, 77,* 28–31. http://www.ascd.org/publications/educational-leadership/summer20/vol77/num10/Seven-Steps-for-Districts-Navigating-to-Remote-Learning.aspx

To carry out this planning, administrators can use Quality Matters's "Emergency Remote Instruction (ERI) Checklist," which provides a tiered list of considerations, tips, and strategies to enact during an institutional move to temporary remote instruction of classroom-based courses. The checklist is presented in three phases, according to prioritized needs: (1) Start Here: Preparing for Success; (2) Next Steps: Guiding Students and Their Learning; and (3) Longer Term Considerations: Teaching Effectively in a New Environment. The checklist can be found at https://docs.google.com/document/d/e/2PACX-1vTKJSTc2gxVC12Oki9bv3S-12dry1ZsfATX8zmdBbuPJZ8ejUBpecTy50Yk_7aOS-Dwh83WHu0NTpOOK3/pub.

Another planning tool for administrators is Global Online Academy's recently published "10 Strategies for Leading Online When School Is Closed," which outlines district and school leadership needs and tasks: https://globalonlineacademy.org/insights/articles/10-strategies-for-leading-online-when-school-is-closed.

Promote teacher agency and collaboration

Professional development. Provide targeted professional learning based on teacher and staff needs that allows participants to choose their own area of learning. For example, some teachers may have already integrated the use of education technology as part of their instructional practice, while others will need an introduction to the basics of using technology to teach remotely. And school counselors, related service providers, and paraprofessionals may all need professional learning in order to support the changes in their roles due to distance learning.

Collaboration. When establishing the expectations for online teaching schedules, purposefully set aside time for teams to collaborate virtually as

grade-level teams and content-area departments. Also provide time for general education and special education teachers to collaborate.

Create new schedules and routines

Just as teachers are learning to create new schedules and routines via distance learning to support students, district and school leaders should do the same to support teachers. Provide teachers with guidance on realistic schedules for distance learning, acknowledging that teachers may also be parenting and supporting the learning of their own children.

Many districts have created Memos of Understanding with their unions that include distance learning master schedules, which take into consideration time for collaboration with colleagues; time for general and special education teachers to collaborate with a focus on supporting inclusion; time to manage personal obligations that are new (such as caring for teachers' own children who are at home); and the recognition that preparing for lessons may take longer as teachers are learning new technology and making adjustments to content, methodology, and instructional delivery.

Narrow the curricular focus

As part of teacher collaboration, guide each grade-level and content-area department to clearly define the most essential and critical learning objectives. Teachers have a baseline to start from — where were their students when schools closed? Have teachers start with that baseline and develop the most critical learning objectives, with a focus on keeping students connected and engaged. Administrators can have teachers use the following criteria to guide them in selecting which standards to prioritize:

» Endurance (which standards are foundational and built on year after year?)

» Leverage (which standards provide students with the most essential knowledge and skills?)

» Readiness (which standards prepare students to be ready for the next level?)[3]

These criteria can still apply to emergency remote learning, with a narrowed focus on what is most essential.

Consider flexible grading

Districts throughout the country are struggling with how to grade students during this unexpected shift to distance learning. Some districts have established a policy that during remote learning, grades can go up but cannot go down below where they were when the move to distance learning was made. Below are a couple of resources to help administrators consider this issue.

» In an *ASCD Educational Leadership* journal article, "To Grade or Not to Grade?"[4] the author identifies reasons that teachers and schools may be struggling with this question. He goes on to provide several recommendations: use pass/incomplete grades; if grades are necessary, make them temporary; continue providing feedback

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3   Clayton, H. (2016). Power standards: Focusing on the essential. *Making the Standards Come Alive! V*(IV) [e-newsletter]. https://justaskpublications.com/just-ask-resource-center/e-newsletters/msca/power-standards/

4   Feldman, J. (2020). To grade or not to grade? How districts can enact fair and equitable grading policies during the coronavirus closures. *Educational Leadership, 77*, 43–46. http://www.ascd.org/publications/educational-leadership/summer20/vol77/num10/To-Grade-or-Not-to-Grade¢.aspx

on performance, whether graded or not; and remember that students come first, not grades.

» EdSource authored an article titled "Quick Guide: Grading K–12 Students During a Pandemic." The guide's question-and-answer format addresses some of the concerns regarding grading, pass/ no pass and credits, grading for students with disabilities, and the potential impact of grading choices on high school graduation. The guide is available at https://edsource.org/2020/grading-k-12-students-during-a-pandemic-an-edsource-quick-guide/629535.

Using Support Staff Effectively

Support staff, such as paraprofessionals and American Sign Language interpreters, are often essential to providing accommodations for students with disabilities. This section explores resources regarding the effective use of support staff to help with the transition to distance learning.

Utilize related service providers

Students with disabilities may have received related services at school to directly support their learning and social-emotional and behavioral needs. Speech and language therapists, occupational therapists, school nurses, and others who provide related services need to be included in collaborative efforts to continue to provide those services to the greatest extent possible in a distance learning model.

Administrators should communicate and collaborate with the person(s) who typically oversees related services personnel (such as school nurses). For instance, ask school nurses what support and help they need to address students who are medically fragile and usually receive medical support at

school. The following are some helpful resources about related services:

» The National Association of School Nurses created a reference document titled "Ideas for School Nurse Activities During the COVID-19 Pandemic," which includes examples of how nurses can provide non-traditional health promotion for elementary, middle, and high school students during school closures: https://higherlogicdownload.s3.amazonaws.com/NASN/3870c72d-fff9-4ed7-833f-215de278d256/UploadedImages/PDFs/03182020_NASN_Ideas_for_School_Nurse_Activities_During_the_COVID-19__Pandemic.pdf.

» In order to address the needs of many students with disabilities, California Governor Newsom issued an executive order to expand telehealth services: https://www.gov.ca.gov/2020/04/03/governor-newsom-issues-executive-order-to-expand-telehealth-services/.

» The American Speech-Language-Hearing Association created a webpage with guidance on using teletherapy, including a checklist for providing teletherapy, state law updates for several states, waiver information, insurance and Medicaid tracking information, payment considerations, and more: https://www.asha.org/About/Telepractice-Resources-During-COVID-19/.

» The American Occupational Therapy Association provides guidance on supporting occupational therapy during school closures at their website: https://www.aota.org/Practice/Manage/telehealth.aspx.

Moving to distance learning may alter how some people are able to provide support to students with disabilities. Accordingly, district and school

leaders may need to explore innovative ways to help people continue their work supporting students with disabilities.

» Access the expertise and knowledge of school counselors, psychologists, social workers, and similar mental health professionals to focus on supporting the mental health needs of students, families, educators, and staff. An Edutopia article asserts that these mental health professionals may be able to continue to provide services to students during school closures: "from virtual counseling to wellness apps, school districts are increasingly turning to 'telehealth' to meet students' mental health needs during the pandemic."[5]

» Explore options for utilizing paraprofessionals to support general education teachers, special education teachers, and students with disabilities during school closures.

Understanding the Legal Requirements of Special Education During School Closures

The changing landscape of education brought on by emergency school closures and the transition to distance learning may prompt new concerns and challenges regarding the legal requirements of special education. District and school administrators will need to stay apprised of updates and continue to communicate with special education educators to determine how to best support students with disabilities.

Decide whether IEPs need to be amended

District and school administrators should work closely with special education teachers to determine if any amendments need to be made to a student's IEP in order to address changing learning needs related to distance learning.

According to the U.S. Department of Education's "Supplemental Fact Sheet: Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities":

> *IEPs also must be reviewed annually. 34 C.F.R. §300.324(b)(1). However, parents and an IEP Team may agree to conduct IEP meetings through alternate means, including videoconferencing or conference telephone calls. 34 C.F.R. §300.328. Again, we encourage school teams and parents to work collaboratively and creatively to meet IEP timeline requirements. Most importantly, in making changes to a child's IEP after the annual IEP Team meeting, because of the COVID-19 pandemic, the parent of a child with a disability and the public agency may agree to not convene an IEP Team meeting for the purposes of making those changes, and instead develop a written document to amend or modify the child's current IEP. 34 C.F.R. §300.324(a)(4)(i).[6]*

5   Fleming, N. (2020, April 10). There's an app for that — School counseling and SEL go online. *Edutopia*. https://www.edutopia.org/article/theres-app-school-counseling-and-sel-go-online

6   U.S. Department of Education. (2020, March 21). Supplemental Fact Sheet: Addressing the risk of COVID-19 in preschool, elementary and secondary schools while serving children with disabilities. https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf

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Know the IDEA timelines for IEPs

The U.S. Department of Education's fact sheet also includes IDEA timelines for state complaints, IEPs, and Individualized Family Service Plans, eligibility determinations, reevaluations, and due process hearings. The fact sheet says, "We encourage school teams and parents to work collaboratively and creatively to meet IEP timeline requirements."[7] Below are statutes from IDEA 2004 Federal Regulations, as clarified through the U.S. Department of Education's fact sheet that provides the following guidance on IEP timelines:

» **Initial IEPs:** "If a child has been found eligible for services, the IEP Team must meet and develop an initial IEP within 30 days of the determination that the child needs special education and related services." (34 CFR § 300.323(c)(1))[8]

» **Annual IEPs:** "IEPs also must be reviewed annually. However, parents and the IEP Team may agree to conduct IEP meetings through alternate means, including videoconferencing or conference telephone calls." (34 CFR §300.328)

» **Revising the IEP to reflect changes due to the COVID-19 pandemic:** "The parent of a child with a disability and the public agency may agree to not convene an IEP Team meeting for the purposes of making changes, and instead develop a written document to amend or modify the child's current IEP." (34 CFR §300.324(a)(4)(i))

Provide accommodations for students with IEPs and 504 plans during distance learning

Students with disabilities will need to be provided the accommodations and services that are stated in the IEP, although those accommodations may need to be adjusted to address the transition to distance learning. District and school administrators will need to collaborate with special education and general education teachers to determine how best to provide the accommodations necessary. The resources listed below can provide support in this area.

» Quality Matters, a nationally recognized program focused on improving the quality of online education, created a checklist to help educators provide accommodations while in a remote emergency instruction situation: https://www.qualitymatters.org/qa-resources/resource-center/articles-resources/ERI-Checklist. This resource provides examples of what accommodations a student might need and suggestions for how to apply those accommodations via distance learning.

» To help teachers and parents (and students) understand accommodations for students who learn and think differently, Understood.org created a series of one-page descriptions that explain how specific disabilities (e.g., dyscalculia or development coordination disorder) impact the way a student learns and provides suggestions for accommodations. These one-pagers are available at https://www.understood.org/en/school-learning/partnering-with-childs-school/instructional-strategies/classroom-accommodations-to-help-students-with-learning-and-thinking-differences.

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7 Ibid.

8 IDEA. (2017, May 2). Sec. 300.323 (g). https://sites.ed.gov/idea/regs/b/d/300.323/g

Understand the potential need for compensatory services

There is a provision in IDEA that allows districts to keep a record of accommodations or services that the district or school is unable to provide due to an emergency school closure. It is important for administrators to understand the potential need to access this provision and how to keep track for future reference. Administrators will want to understand the implications of providing compensatory services to students with IEPs.

» The National Center for Special Education in Charter Schools provides a webpage that includes a section titled "Strategies to Educate Students with Disabilities in the Event of School Closures," which states, "The IDEA allows, in certain instances, for students with IEPs to receive services retroactively. This can happen when circumstances will not allow for service provision in the ordinary course of instruction."[9]

» The California Department of Education created a webpage on "Special Education Guidance for COVID-19," which includes guidance on compensatory education: "Once the regular school session resumes, LEAs should plan to make individualized determinations, in collaboration with the IEP team, regarding whether or not compensatory education and services may be needed for a student. Educational need can be measured by assessing whether or not the student continued making progress in the general education curriculum, or alternative course of study specified in their IEP, or toward meeting their individualized IEP goals and/or if any regression occurred during the period of school site closure."[10]

» The Oklahoma State Department of Education has adapted a form from the Washington Office of Superintendent of Public Instruction to track services for students with IEPs during school closures: https://sde.ok.gov/sites/default/files/OK%20%20Services%20Tracking%20Checklist%20for%20IEP%20Teams%20%28COVID-19%29.pdf. This form provides a template for IEP teams to use to keep track of services that may need to be provided later.

Communicate to teachers about student privacy and protections

When implementing distance learning, make sure teachers are aware of legal issues with recording or taking pictures of students in online classes.

» To familiarize those who need it with issues around legal privacy and protection for children, the U.S. Department of Education posted a frequently asked questions document in March 2020 about student privacy, available at https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FERPA%20and%20Coronavirus%20Frequently%20Asked%20Questions.pdf.

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9   National Center for Special Education in Charter Schools. (2020, March 12). COVID-19 and students with disabilities. https://www.ncsecs.org/news/covid-19-and-students-with-disabilities/

10   California Department of Education. (2020, April). Special education guidance for COVID-19. https://www.cde.ca.gov/ls/he/hn/specialedcovid19guidance.asp

» Common Sense Media has created a webpage — which includes short videos and a printable infographic of recommendations — on "Protecting Student Privacy on Social Media: Do's and Don'ts for Teachers": https://www.common-sense.org/education/articles/protecting-student-privacy-on-social-media-dos-and-donts-for-teachers.

» Another valuable resource for information on privacy is the Federal Trade Commission's webpage on the "Children's Online Privacy Protection Rule (COPPA)": https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/childrens-online-privacy-protection-rule.

The National Center for Systemic Improvement (NCSI) is a multiyear cooperative agreement funded by the U.S. Department of Education, Office of Special Education Programs (OSEP) (2019-2024). NCSI plays a major role in helping states achieve a national vision of Results-Driven Accountability for special education programs. Learn more at NCSI.WestEd.org.

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