

**Bureau of Special Education Issues Guidance on  
Continued Educational Opportunities and Special Education  
During COVID-19 Pandemic**

On March 25, 2020, the Connecticut State Department of Education, Bureau of Special Education (BSE), issued guidance related to the implementation of continued educational opportunities for students with disabilities during periods of school closure caused by the COVID-19 pandemic emergency. The BSE Guidance addresses three areas:

- (1) access and equity requirements for continued educational opportunities;
- (2) communications with families of students with disabilities; and
- (3) implementation of continued educational opportunities in relation to certain federal and state procedural requirements.

At the outset, the BSE Guidance explains that school districts must “consider what is appropriate under the current circumstances and reasonable within their resources, to determine what constitutes providing continued educational opportunities, to the greatest extent possible, consistent with state and federal guidance.” The BSE Guidance further explains that the determination of what is appropriate and reasonable will include consideration of “the individual child’s circumstances, as well as the circumstances related to the pandemic emergency.”

Continued Educational Opportunities - Access and Equity

The BSE Guidance reiterates that public schools must focus on providing continued educational opportunities for all students. Students with disabilities must have access to educational opportunities and be provided with a free and appropriate public education (FAPE) “consistent with the need to protect the health and safety of students, and those individuals providing education, specialized instruction, and related services to these students.” Consistent with the guidance issued by the United States Department of Education, Office of Special Education and Rehabilitative Services, the BSE Guidance points out that each student who requires special education must be provided with special education and related services to the greatest extent possible. Importantly, the BSE Guidance recognizes the reality that the current COVID-19 pandemic emergency may affect the manner and extent to which such special education and related services are provided, explaining that the law “allows for flexibility in determining how to meet the individualized needs of students receiving special education services.” As discussed further below, the BSE Guidance confirms that the provision of continued educational

opportunities through remote or distance learning during this period of school closure do not need to be documented in the student's IEP and, thus, a PPT meeting is not necessary to plan or implement such opportunities at this time.

### Communication Expectations During School Closure

The BSE Guidance sets forth recommendations for school districts in communicating with families of students with disabilities during the period of school closure. The BSE Guidance recommends the following:

- Acknowledge in your communications to all parents that either you have a plan for providing equitable access and special education and related services or are developing such a plan.
- Develop a protocol to communicate proactively with parents and guardians regarding their child's IEP services during a closure taking into consideration the parents' preferred method of communication. This should be done on an individual basis and school districts should not rely on communications to the entire district to provide this information.
- As soon as possible, notify parents or guardians of students with disabilities of your individualized plan for that student to access continued educational opportunities. Include the input of parents or guardians and the student, as appropriate, when discussing the plan.

### PPT Meetings and Related Procedural Requirements During School Closure

The BSE Guidance clarifies that school districts providing special education and related services through alternative modes of instruction, such as virtual, online or distance learning, are not required to revise IEPs or conduct PPT meetings "related to the instructional delivery method." The BSE Guidance further clarifies that the delivery of services through alternate modes does not constitute a change in placement. The BSE Guidance highlights the importance of focusing staff efforts "on the provision of supports and services, rather than engaging in numerous PPT meetings."

Although there may be unique circumstances in which parents and school districts may agree to convene a PPT meeting, the BSE Guidance recommends that school districts and parents consider the following factors in determining the necessity of such a meeting:

- The purpose of the PPT meeting (e.g., Given that there is no requirement to revise IEPs to include remote continued educational opportunities, is having a PPT meeting necessary?; Will holding the PPT meeting affect the continued educational opportunities being provided to the student?; etc.).

- The PPT membership requirements (e.g., Will each PPT member be available and able to meaningfully participate in the meeting?; etc.).
- Confidentiality and privacy concerns (e.g., If the meeting is being held telephonically or virtually, will each team member have access to a private space?; Is the virtual format that you are using secure?; etc.).

With respect to certain timeline requirements, such as annual reviews, reevaluations and initial evaluations, the BSE Guidance reiterates that school districts should be primarily focused on “the safety of students, families, and educators and allowing staff the time to provide instruction and services to students.” The BSE Guidance further explains that “[a]t this time, a continued educational opportunity is a ‘learning day,’ but does not constitute a ‘school day’ in all districts within the meaning of applicable special education statutes and regulations.” The BSE Guidance advises school districts that are not able to meet the annual review and/or reevaluation timelines due to the school closure to hold such PPT meeting once school resumes and maintain a student’s current IEP until a new IEP can be developed. The Guidance further clarifies that missed meeting dates due to school closings related to the COVID-19 pandemic will not affect the district’s Annual Performance Report determination and explains that the effective date of a student’s IEP lapses during the school closure, the student’s IEP will remain in effect until a new IEP is developed. Finally, the BSE guidance clarifies that the timeline for initial evaluations is paused during the period of school closure because days when schools are closed are not “school days.”

This Guidance is very helpful in providing school districts with direction during this time of fluidity and uncertainty. We advise districts to keep in mind that this advice is provided in a time of rapidly changing circumstances and it is critical to stay tuned for further information.