# Addendum 6

## Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together

Connecticut State Department of Education

# Reopening Guidance for Educating Students with Disabilities

August 12, 2020

*This is a working document, which may be updated frequently due to the rapidly changing response to this pandemic emergency and ongoing Federal guidance updates.*

The content presented in this document generally constitutes guidance representing the interpretation of the Connecticut State Department of Education (CSDE) of the applicable statutory or regulatory requirements in the context of present circumstances and is not legally binding. The content in this document is not intended to be a replacement for careful study of the Individuals with Disabilities Education Act (IDEA) or for consultation with local legal counsel.

The CSDE published its reopening document, Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together to provide school districts with requirements and a framework for reopening schools during the 2020–21 school year in the context of the COVID-19 pandemic.

This document provides further guidance related to the education of students receiving special education and related services within the school reopening framework. It is important to note that the federal Office of Special Education and Rehabilitative Services (OSERS) has not communicated to States any temporary flexibility or waiver from the requirements of the IDEA.

School districts are required to provide a free appropriate public education (FAPE) to each student determined eligible and for whom the parent has provided written consent for the provision of special education and related services. Federal disability law allows for flexibility in determining how to meet the individualized needs of students receiving special education services. During the COVID-19 pandemic, the delivery of FAPE to all students may vary depending on the instructional delivery model (i.e., Full In-school Learning, Remote Blended Learning (Hybrid), Full Remote Learning) being followed. Students with disabilities should be prioritized for receiving instruction in school during the 2020–21 school year, even if schools are operating in a Hybrid or Remote model.

Every school district must determine how to best educate and provide individualized education program (IEP) services to its special education students within the context of each instructional delivery model while adhering to current health and safety protocols. While numerous challenges exist, maintaining the health and safety of our staffs and students while providing educational access consistent with the law continues to be the top priority.

Establishing procedures and practices that promote access to the same opportunities afforded to general education students will help to ensure that students with disabilities receive an equitable educational experience. Additionally, when it is not possible to deliver specific IEP services as originally intended, creative solutions and adjustments to instructional delivery and/or the environment will be necessary. While weighing the options on how to best address these issues, the requirement that students with disabilities are educated in the least restrictive environment (LRE) must be considered.

Meaningful and ongoing communication between the school district and families is more important now than ever. In addition to making the school district's fall reopening plan available to the public, if

conditions during the school year necessitate a change to the instructional delivery model, specific information regarding the impact on the student's special education and related services will need to be provided to families in a timely manner.

## IEP Implementation and PPT Meetings

School districts are required to provide FAPE to students with disabilities as set forth in the student's IEP consistent with public health requirements. Moreover, every school district must ensure that special education and related services are being provided to students on the first day of school regardless of the mode of instruction, even if an IEP has lapsed due to a postponed annual review or triennial evaluation. Students must receive all services documented in their IEPs through in-person instruction, remote instruction, or a combination of both, with a strong emphasis on providing in-person instruction.

Due to the public health mandates, schools may not be able to provide all services in the same manner as they would under normal health conditions. School districts are allowed flexibility in determining how these services can be provided including but not limited to the use of technology, tele-therapy, or remote instruction. In order to prepare for the potential of delivering special education and related services within the three instructional delivery models, school districts will need to prioritize planning for whatever mode of instructional delivery is in place at the start of the school year.

### Process

Last April, the CSDE provided guidance related to "Continued Educational Opportunities" for special education students during the statewide school closures (March 16–June 30).[1] The use of Continued Educational Opportunities is no longer appropriate since, based upon current public health data, statewide school closures are no longer in effect. As school districts prepare to reopen in the fall, the CSDE is providing guidance to assist school districts in documenting the implementation of IEPs within the context of the three instructional delivery models (i.e., Full In-School, Hybrid, and Full Remote).

Communication with families is a top priority. In particular, the school district will need to have meaningful consultation with parents as soon as possible to discuss how a given student's IEP services will be delivered **if different than the manner of service delivery described in a student's IEP**. After this collaboration and using input from the discussion with parents, the school district must document how FAPE will be delivered to each student, within the context of the current instructional delivery model, and then provide that information to the parents along with written notification.

The CSDE has developed The Learning Model IEP Implementation Plan form for districts to document the delivery of special education and related services that may be affected by the school district's response to the pandemic. The Learning Model IEP Implementation Plan[2] must be used to describe any differences in the delivery of IEP services and will serve as the required notice to parents. It is permissible but not required to discuss The Learning Model IEP Implementation Plan during a planning and placement team (PPT) meeting. A change in delivery of IEP services due to a transition to a different instructional delivery model alone does not constitute a change of placement.

Parents retain their right to use the dispute resolutions options available pursuant to the IDEA[3] if they believe FAPE is not being provided to their child under any of the instructional delivery models.

*Full In-School Model*

While full in-school learning is best aligned to providing IEP services as written, there still may be the need to adjust particular supports or services due to how the school or classroom has been reconfigured and/or how other mitigation measures (e.g., student cohorts) affect the learning environment. The school district must document any such adjustment in the Learning Model IEP Implementation Plan.

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1. https://portal.ct.gov/-/media/SDE/Digest/2019-20/2020424-Special-Education-Guidance.pdf
2. https://portal.ct.gov/-/media/SDE/COVID-19/Learning_Model_IEP_Implementation_Plans.docx
3. https://portal.ct.gov/-/media/SDE/Special-Education/Prosaf.pdf?la=en (Bureau of Special Education (BSE) Procedural Safeguards Notice Required Under the IDEA Part B)

*Hybrid Model*

It may be necessary for the school district to develop Learning Model IEP Implementation Plans for some students to address how FAPE will be delivered in a hybrid learning model. The CSDE requires the school district to consider providing in-person services in school to high needs[4] students full time, if it can be done so consistent with public health and safety protocols, and if not, the maximum frequency which may be more days per week than what the Hybrid Model schedule generally allows for the full school population. If a school is beginning the school year using the hybrid model, specialized instruction and related services could still be delivered in accordance with the IEP for some students, although it may necessitate a change in schedules or staffing assignments to provide specific services on the days the students are attending school in-person. A Learning Model IEP Implementation Plan will be needed only for those students whose IEP services will be delivered differently than the current IEP indicates.

*Full Remote Model*

Developing Learning Model IEP Implementation Plans to address how FAPE will be delivered in a full remote learning model will be necessary for the majority of students. As public health and safety mandates allow, the school district is required to consider providing in-school services to high need students even if the school district is operating under the full remote instructional delivery model.

**Planning and Placement Team Meetings**

Consistent with prior CSDE guidance, as PPTs convene throughout the school year, teams should develop IEPs that provide FAPE as though the student will be attending school full time, in-person under normal health conditions. That being said, conditions may change throughout the school year, so PPTs should attempt to develop annual goals and short-term objectives in such a manner that the goals and objectives can be addressed in each of the three instructional delivery models.

PPT meetings may be held in-person or remotely (i.e., telephonically or through video conferencing). Meetings must be scheduled at a mutually convenient time for both the school district and the family. As IDEA provides flexibility in excusing team members from certain types of meetings, PPT membership should be carefully considered as a means of maximizing the sharing of information and minimizing the impact on instruction/service delivery. In the event the school district cannot secure the participation of the family after multiple documented attempts, PPT meetings may be held without the parents in attendance.

School districts will further have to balance the need to hold meetings and revise IEPs with the need to re-engage with students, while assessing the students' current academic and functional performance in order to inform the development of appropriate IEPs, taking into consideration data and reports from parents and staff who worked with the student during the spring school closure. See previously released state guidance, *Sensible Assessment Practices for 2020–21 and beyond*.[5]

## Temporarily Opting Into Voluntary Remote Learning

The CSDE's framework for reopening schools during the 2020–21 school year requires school districts to provide ongoing support to families and students who temporarily opt into voluntary remote learning while other students attend either Full In-School or Hybrid Learning. For more information about opting into remote learning, see previously released CSDE guidance, *Temporarily Opting Into Voluntary Remote Learning Due to COVID-19*.[6]

In order for a school district to provide a student with FAPE and implement the student's IEP as designed, special education and related services are typically programmed for in-person access. This method of instructional delivery generally affords the student with the most equitable educational experience in the LRE, and families are strongly encouraged to consider the importance of sending their

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4. Refer to Addendum 3 in the Adapt, Advance, Achieve: Connecticut's Plan to Learn and Grow Together: https://portal.ct.gov/-/media/SDE/COVID-19/CTReopeningSchools.pdf
5. https://portal.ct.gov/-/media/SDE/COVID-19/SensibleAssessmentPractices.pdf
6. https://portal.ct.gov/-/media/SDE/Digest/2020-21/Temporarily-Opting-Into-Voluntary-Remote-Learning-Due-to-COVID-19.pdf

children to school to receive special education and related services when feasible and supported by public health data.

State and federal laws do not address the provision of special education services via remote learning **as a matter of choice**, which constitutes a different circumstance than a state or local public health mandate, individual medical necessity, a determination made by a PPT, or homeschooling.

The requirements under state law for the provision of homebound and hospitalized instruction for special education students remain unchanged. School districts are still required to provide homebound and hospitalized instruction to special education students who are unable to attend school due to a verified medical reason, which may include mental health issues.

Homebound and hospitalized instruction, pursuant to state law, should not be confused with instruction in the home, which is an articulated placement on the continuum of educational placements outlined in the IDEA.

### Homebound and Hospitalized Instruction

Regulation of Connecticut State Agencies (RCSA) § 10-76d-15 sets forth requirements that must be met when a child in public school is unable to attend school due to a medical reason and thus requires homebound or hospitalized instruction. If a child requires homebound instruction due to a medical reason, the steps described in the regulation must be followed. This would also be a change in placement and therefore would be reflected in the student's IEP.

### Instruction in the Home

Instruction in the home is a placement option available under the IDEA,[7] if determined appropriate by the student's PPT. In accordance with the IDEA, the child's PPT may determine that the child requires instruction in the home in order to receive FAPE, after considering in-district supports and other LRE considerations, evaluation information, and input from any private supports. In this case, the PPT would be making a placement decision pursuant to the IDEA, and not under RCSA § 10-76d-15. Instruction in the home must be made available pursuant to the IDEA's obligation to provide a continuum of alternative placements. Such placements should be rare and made only after careful consideration of the child's individual needs and LRE considerations. Given the restrictive nature of this placement, it should be reviewed by local education officials on a regular basis to ensure that special education students are receiving FAPE and return to school as soon as possible.

### Homeschooling

Opting into remote instruction is not the same as homeschooling.[8] Unlike homeschooling, students who opt into remote instruction will remain enrolled in school and reported to the CSDE through the Public School Information System (PSIS) and the Special Education Data Application and Collection (SEDAC). If a family decides to pursue homeschooling or another mode of education, the family must disenroll the student and the district is under no obligation to provide special education and related services.

### IEP Services

School districts should make every effort to provide a comprehensive remote learning experience, while also making sure parents are aware of any limitations that apply. If a parent opts into remote learning, school districts must have the student's IEP ready to be implemented at the start of the 2020–21 school year. The IEP must be developed as if the student is participating in full time in-school learning and if needed a Learning Model IEP Implementation Plan must be created to appropriately illustrate the special education and related services the school district is prepared to deliver. The IEP and the corresponding Learning Model IEP Implementation Plan represent and fulfill the school district's obligation to offer FAPE to the student if the family has made this choice despite the school district's intention to offer in-school education to that student. Again, this would only be applicable where the choice was made by a family not in the case where the student requires homebound or hospitalized instruction.

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7. 34 CFR §300.39(a)(1)(i)
8. CSDE's Homeschooling Web page: https://portal.ct.gov/SDE/Homeschooling/Homeschooling-in-Connecticut

When a parent voluntarily opts into remote learning, the school district must notify the parent about any limitations related to receiving special education and related services remotely as a result of this choice. The notification should include as much specific information as possible to assist families in making a final decision about this voluntary choice and be documented in the Learning Model IEP Implementation Plan.

Since this a voluntary, unilateral choice made by the parent, school districts are not required to but, not precluded from providing in-person instruction or services in the home when a parent opts into remote learning. However, school districts must continue to make good faith efforts to implement the student's IEP remotely to the greatest extent feasible.

**Proper Notification to Parents**

As soon as possible, school districts should contact families with special education students that have expressed an interest in opting into remote learning and communicate any limitations that may apply to this voluntary choice. Of note, the CSDE guidance on this topic requires the same notification to all families, including those students who are not receiving special education and related services. For example, school districts that have specialized magnet school classes and are pooling students into districtwide voluntary remote-learning academies and offering only the standard curriculum despite special interests, and other voluntary remote-learning programming, may not include access to electives or labs. It is important that families are aware of the limitations and implications of opting into remote learning before their voluntary choice goes into effect.

**Special Education Evaluations and Timelines**

According to previously released state guidance, *Temporarily Opting Into Voluntary Remote Learning Due to COVID-19,*[9] students who opt into remote learning will remain enrolled in the school district and the school district is required to track their attendance on a daily basis. Therefore, federal and state special education timelines will remain the same. Students participating in voluntary remote learning will be expected to be made available for in-person assessments in school as part of a special education evaluation, unless the assessment can be administered remotely.

## Special Education Evaluations

While there has been no waiver of IDEA requirements, the public health mandates and statewide school closures related to the COVID-19 pandemic impacted school districts' ability to conduct timely and comprehensive evaluations in the spring of 2020. School districts will need to address the evaluations that were paused or delayed during the statewide school closures, while simultaneously complying with evaluation timelines for new referrals for special education and reevaluations due in the fall.

## Initial Evaluations for Birth to Three (IDEA Part C) Referrals

Priority should be given to completing any outstanding Birth to Three referrals as soon as possible, and in any event prior to August 31, 2020. Children who turned three years old during the statewide school closure period, and for whom eligibility for IDEA Part B services has not yet been determined because a comprehensive evaluation involving in-person evaluations was delayed due to public health mandates, are able to receive early intervention services after age three implemented by Birth to Three providers through August 31, 2020. School districts must complete comprehensive evaluations and determine eligibility for children transitioning from the Birth to Three system and if eligible, develop and implement the IEP no later than the first day of the 2020–21 school year. For more information, see the previously released CSDE topic brief, *Updated Guidance for Children Turning Three during COVID-19.*[10]

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9. https://portal.ct.gov/-/media/SDE/Digest/2020-21/Temporarily-Opting-Into-Voluntary-Remote-Learning-Due-to-COVID-19.pdf
10. https://portal.ct.gov/-/media/SDE/Special-Education/Covid/Guidance-for-Children-Turning-Three-During-the-COVID-19-Health-Emergency.pdf

## Initial Evaluations for IDEA Part B Referrals

Given the expected backlog of evaluations, it will be important to prioritize initial evaluations as opposed to reevaluations, to ensure that eligible students begin to receive special education and related services.

The school district should determine if any initial evaluations were not completed during the statewide school closures, and complete any outstanding assessments as soon as possible. At the same time, school districts will need to address designing and conducting initial evaluations for referrals received during the statewide school closures and summer months, for which the 45 school day timeline would start on the first day of the 2020–21 school year.

## Scope of the Evaluation

The Bureau of Special Education (BSE) strongly encourages districts to utilize this difficult situation to reinforce proper training for staff members regarding the evaluation process and the eligibility criteria under the IDEA. This will assist with the efficient use of resources, comprehensive evaluations, well-reasoned eligibility determinations, and prevent the administration of unnecessary assessments.

Designing the scope of initial evaluations using an essential questions strategy will avoid including extraneous assessments not tailored for the individual student and ensure a full and comprehensive evaluation. After reviewing any existing information and gathering input from the parents, the PPT must determine what information still needs to be gathered through the evaluation process to determine whether the student is a student with a disability and the nature and extent of special education and related services that the student needs.

## Conducting the Evaluation

### In-Person Evaluations

Upon the return to school and in adherence with established safety protocols, the CSDE expects school districts to make every effort to conduct in-person evaluations. School districts should still make every effort to conduct in-person evaluations, even if the district is implementing a hybrid or full remote instructional delivery model, unless advised otherwise by state or local health officials.[11]

If a parent is not comfortable with in-person evaluations:

- Discuss which assessments, if any, may be administered to the student remotely.
- Ensure that there is comprehensive documentation regarding the family's decision.
- Determine if the parent's refusal to make the student available for in-person assessment is a basis to extend the evaluation timeline or if it constitutes a revocation of consent.

### Remote Evaluations

PPTs should plan for in-person evaluations whenever feasible, and if necessary, discuss if all or some of the assessments should be completely remotely. School district staff are advised to exercise their professional judgment when deciding whether to conduct a specific assessment or parts of an assessment remotely. When making these decisions, consider the following:

- Referring to guidance of the relevant professional organization of the particular evaluator conducting the assessment at the state or national level.
- Taking into consideration current knowledge and circumstances of the student when making individualized decisions.

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11. The BSE recognizes that the current COVID-19 related circumstances (e.g., mandatory mask wearing) have created a situation in which the conditions for administration of certain evaluative tools (in whole or in part) is not optimum and may be in conflict with recommended administration protocol. Given that, if such tools are used in the evaluation of the student, the evaluator must describe all safety precautions and environmental changes made within the evaluation report and any limitations of the assessment tool (or impacted section(s) of such tool) as administered, given the particular circumstances.

- Reviewing standardization procedures to determine if validity and reliability have been established for remote administration.
- Considering the use of alternative measures to assess all areas of the suspected disability.
- Assessing the evaluator's competency level with remote administration of an assessment.
- Consulting with the special education administrator.

When determining the manner in which to conduct an evaluation, given the current public health mandates, it will be important for school districts to develop a process for incorporating both in-person assessments, and remote assessments, as appropriate. Evaluators should note in the evaluation report if any assessments were completed under nonstandard conditions (e.g., remotely, with masks, behind plastic barrier), or not completed at all because of the need for in-person administration. If adjustments to previously designed evaluations are required, evaluators should inform parents prior to administration.

## Eligibility Determinations

School districts should proceed with PPT meetings to review initial evaluations and determine eligibility within the 45 school day timeline, unless the timeline is extended or paused for an acceptable reason. (See Timelines section below). The PPT cannot pause the eligibility determination because it is unable to complete all the recommended assessments due to health and safety mandates. In these cases, the PPT should determine if it can make an eligibility determination based upon the available evaluation reports and existing data or consider whether a diagnostic placement would be appropriate as an alternative way of gathering information.

If a school district finds a student eligible for special education, the PPT should document any portions of the evaluation that could not be completed either in-person or remotely and provide a plan for completing those assessments when it is feasible to do so. The PPT should document any assessments that were conducted remotely and determined invalid, as well as any results that should be interpreted with caution due to concerns about validity because of the non-standard conditions.

## Timelines

Please remember that initial evaluations may be extended beyond 45 school days for the following reasons:

- Documented request by parent to reschedule or delay the eligibility determination PPT meeting after agreeing to attend at a particular time and date.
- Parent repeatedly fails or refuses to produce the child for evaluation.
- Student hospitalized/extended absence with medical documentation that student was not available for evaluation.
- Student placed in diagnostic placement for the purpose of determining eligibility.
- Eligibility Determination PPT cancelled due to inclement weather/emergency closing.
- Documented agreement to extend the evaluation timeline for the purpose of determining a Specific Learning Disability (Form ED637[12]).

## Least Restrictive Environment

Even though the COVID-19 pandemic has not changed the IDEA's requirements about LRE, the pandemic has changed how districts will operate the general education system. When planning for the 2020–21 school year, school districts should examine how physical distancing requirements and cohorting might impact a student's LRE and how to best balance the implementation of these mitigating measures while preserving the principles of LRE.

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12. https://portal.ct.gov/-/media/SDE/Special-Education/ED637.pdf

Districts should analyze any possible conflict on an individual basis and prioritize a student's access to LRE, while balancing health and safety requirements. There may be cases where it is not possible to maintain an individual student's LRE while also implementing physical distancing requirements and cohorting. In these cases, the school district must justify the change in location of the service in The Learning Model IEP Implementation Plan. Given the fluid nature of the COVID-19 pandemic, districts should also continually review these cases to determine if the LRE for these students could be adjusted given improved conditions and relaxed health and safety requirements.

Flexible solutions for reducing the mixing of cohorts should be considered to ensure that students with disabilities are educated in the LRE, while complying with current health and safety requirements. As such, the following should be considered:

- Given possible reduced class sizes, review IEPs to determine if pull-out services could be appropriately changed to push-in services to limit the mixing of cohorts.
- Special education teachers and related service providers could provide services remotely from within the school building via video conference instead of coming in the classroom to provide push-in services. This practice would help minimize foot traffic in and out of classrooms while providing access to services that support the inclusion of students with disabilities.
- Think creatively about how to maintain opportunities for the inclusion of students with disabilities. Districts may be able to use technology to provide inclusive groupings of students.
- Avoid special education only cohorts unless the student's IEP requires a substantially separate setting or out of district placement.
- Although districts cannot base cohorts on disability category, districts can consider placing students in cohorts based on the type of intervention or related services. For example, a district may be able to place all the students receiving pull-out occupational therapy services in one cohort to reduce mixing of cohorts when pulling these students for services.

**LRE and Preschool**

Although PreK is not a required grade, FAPE in the LRE continues to be an IDEA requirement. For a classroom to be considered a general education setting, at least 50 percent of the students in the classroom must be typically developing peers (i.e., students without an IEP).

Young children learn through interactions with peers and research shows that peer relationships and play are an important instructional strategy for social and emotional development as well as cognitive and language development.

In order to educate students in a general education environment at the PreK level, school districts may choose to rethink their service delivery model and provide specialized instruction and related services to children in the community-based child care programs in which they are enrolled. The May 12, 2020, CSDE recorded webinar about itinerant early childhood special education services[13] contains information about this methodology of service provision. The school district may also consider the need for childcare for their teachers and revise residency policies to allow staff's children to attend district PreK programs even if they do not reside in the district.

Additionally, school districts should consider how limiting spaces for peers may impact their community, given the reduction of available spaces for child care due to COVID-19 health and safety requirements. School districts should initiate conversations with community providers to collaborate regarding their community's needs. In school districts/communities with School Readiness Grants, the School Readiness Council can be a vehicle for these conversations.

13. https://youtu.be/kk8petv-FPo

### Resources

Refer to the following resources for more information about LRE:

- The Least Restrictive Environment in the Wake of COVID-19: A Brief from the National Association of State Directors of Special Education (NASDE) outlines three different operational models and provides two examples to assist PPTs with addressing LRE considerations (Please note: In CT the three operational models are: Full In-School Learning, Hybrid, and Full Remote Learning).
- The Online Learning and IDEA Educational Environments (Age 6-21): Determining Educational Environments for Students with Disabilities (from the IDEA Data Center outlines parameters to be considered when determining the educational environment of individual students with disabilities taking online courses (Hybrid or Full Remote).
- The CSDE *Least Restrictive Environment Procedural Checklist* (Form ED 632) – for students who spend less than 60% of their time in General Education.
- The CSDE Points to Consider in Determining the Least Restrictive Environment.
- The CSDE 2015 Memorandum, Determination of Time With Non-Disabled Peers for Students with Disabilities Memorandum (2015).

## Secondary Transition

The following addresses transition services requirements and considerations for school districts as they determine ways to meet health and safety mandates, while providing transition services to students.

### Transition Services Requirements

Pursuant to state statute, transition services are required beginning not later than the first IEP to be in effect when the child turns 14 (with a primary disability category of Autism) and beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the PPT (for all other primary disability categories), and updated annually thereafter.

The IEP shall include (A) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and (B) the transition services, including courses of study, needed to assist the child in reaching those goals.

Pursuant to the 34 CFR Section 300.43 of the IDEA, transition services[14] means a coordinated set of activities for a student with a disability that is designed to be within a results-oriented process, focused on improving the academic and functional performance of the student to facilitate the student's movement from school to post-school activities, and is based on the individual student's needs, taking into account the student's strengths, preferences, and interests. Transition services may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.

### Transition Services Considerations

Current health and safety requirements must remain a priority when making decisions as to the extent that transition services are able to be accessed in community-based settings; however, it is highly recommended that in-person transition services resume as soon as it is safe to do so with the proper health and safety measures in place.

Given the different circumstances in each local community, the models of delivering transition services may look different across the state. The following transition services considerations are meant to assist school districts as they continue to plan for the three instructional delivery models.

14. https://sites.ed.gov/idea/regs/b/a/300.43

*Full In-School Learning Model*

- Implement IEP as designed and refer to the current Centers for Disease Control and Prevention (CDC) and Local Public Health safety guidelines.
- Communicate and collaborate with community-based providers, to develop safety protocols for community-based learning opportunities for students whose IEPs require transition services/ activities.

*Hybrid and Full Remote Learning Models*

If in-person participation in community-based learning opportunities become limited due to public health mandates, school districts should document any changes to the delivery of transition services in The Learning Model IEP Implementation Plan.

**Resources**

Secondary Transition – Planning From School to Adult Life – This webpage contains information and resources to assist in Secondary Transition Planning, including age appropriate transition assessments, Post-School Outcome Goals Statements (PSOGS) and Annual IEP Transition Goals/Objectives, Summary of Performance (SOP/ED635), Transition Resources and Services in Connecticut (including other State Agencies), Connecticut Transition Programs Offering Transition-Only Services for Students with Disabilities (18–21), and tools related to IDEA Indicators 13: Secondary Transition and 14: Post-School Outcomes.

Secondary Transition Resources During the COVID-19 Pandemic – This webinar and resource list includes activities and resources to support online and offline learning related to providing transition services including: Career and Technical Education Resources, General Resources & Instructional Resources, Transition Assessment and Planning Resources, Postsecondary Education or Training Resources, Employment Resources, and Independent Living Skills Resources.

## Contracts and IEP Implementation for Out of District Placements

If a PPT determines that a student's needs cannot be met within the school district, the PPT will determine the setting or settings in which the student's IEP can be implemented. If it is determined to be appropriate, the PPT will recommend that the student be placed at a private special education program that is aligned with the student's needs along the LRE continuum. A contract between the responsible district and the out of district (OOD) program, which outlines the individual supports and services articulated in the IEP, is required, enabling the Approved Private Special Education Program (APSEP), Transition/Vocational Services Provider (TVSP), Regional Educational Service Center (RESC) Special Education program or other private provider to implement the IEP on behalf of the district.

It is critical that school districts honor established contracts with OOD placements through full and timely payment of invoices received from providers to ensure the provision of FAPE for their students.

Fulfillment of contracted payments by school districts to OOD providers for verified provision of services (Full In-school, Hybrid, Full Remote) will allow these providers to continue paying active employees who are providing special education services to students, and meet operational costs and other general and administrative overhead expenses. A shortfall in funding to OOD placements needed to cover necessary business expenses will significantly impact these providers in their ability to initiate, resume or continue timely services as schools reopen and possibly prevent their ability to continue to operate.

Should a school district decide not to adhere to existing provider contracts, school district leaders and local or regional boards of education must be aware of the adverse impact which could include:

- Impact to a school district's eligibility to receive federal CARES Act funds. As part of their application for funding under the CARES Act, school districts must certify that they have continued to pay for contractual services to the greatest extent practicable.

- School districts' Excess Cost payments for this year were based on their March 1 estimated expenditure filings for the full school year. School districts that spend less will have their grant recalculated and owe the department a refund.
- A change of placement may be triggered should invoices not be paid and providers are unable to maintain the delivery of services in the absence of such payment.
- In alignment with IDEA, student supports and services must be based on student need and not fiscal availability.
- School districts must still meet federal Maintenance of Effort requirements under the IDEA (COVID-19 is not an allowable exception).
- The availability of private and quasi-public settings which provide programming for students with high needs within the state could become compromised and significantly impact access to a continuum of services within the state.
- Should the current services, supports and specialized instruction available through providers be unavailable due to lack of contracted funding, a significant and increased demand will be placed on the school districts to provide highly specialized supports and services to students with high needs, within the school district.

Strong partnerships between OOD placements and school districts during this time are critical to provide for students across the state with the most intensive educational needs.

It is the position of the CSDE that local or regional boards of education employ a unified approach in continuing to honor their contracts with private providers, and in turn those providers continue to deliver services in support of students with high needs across the state, whether that be through full time in school instruction, a hybrid model or full time remote learning.

## Conclusion

While this may be the biggest challenge many of us have faced during our careers, we must always strive to maintain and promote high expectations for our students with disabilities. They are counting on us to provide equitable access consistent with the law, and to communicate openly and regularly while we move forward through this pandemic.