



Kevin C. Brown  
Interim Commissioner of Education

## KENTUCKY DEPARTMENT OF EDUCATION

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Phone: (502) 564-3141 • [www.education.ky.gov](http://www.education.ky.gov)

March 17, 2020

### **Dear Parents and Families of Students with Individual Education Programs (IEPs):**

During this time of school closures due to COVID-19, there are some important things to remember. Any actions taken by a district or school regarding closures are for the safety of all students, families, school personnel and community members. As districts are determining the most appropriate steps to ensure student and staff safety, we want to provide you with guidance relating to students with disabilities and their services. It is extremely important for families and schools to collaborate and communicate regarding services for students with disabilities.

### **What will happen to my child's services when school is canceled for all students due to COVID-19?**

1. If a school closure causes educational services for all students to stop, then the district is generally not required to provide services to students eligible for special education services during that same period of time (See [OSEP Letter to Pergament, December 2013](#)). This general standard is especially true in cases where the school district still will provide the required minimum of school days.
2. After an extended closure, districts are responsible for reviewing how the closure impacted the delivery of special education and related services to students eligible for special education services. Students may need additional services or extended school year services to make up missed services.
3. If annual Individual Education Program (IEP) reviews or eligibility reviews are due during a school closure, please work closely with your school to have the Admissions and Release Committee (ARC) meeting as soon as school is back in session or through alternate means, such as video or audio conference calls.

### **What will happen to my child's services when a school is closed but educational services continue to be provided through the Non-Traditional Instruction (NTI) Program?**

1. If a local school district elects to utilize Kentucky's NTI Program to provide educational opportunities to the general student population, then the district also must ensure that students with disabilities have equal access to the same opportunities, including the provision of a Free Appropriate Public Education. Districts should be communicating with parents and guardians prior to, during and after NTI days regarding their child's IEP

services. Districts and schools will work to ensure that all students receive services to the most appropriate extent possible.

2. Although special education or related services may need to be adjusted, districts must provide IEP services during NTI days. Districts may provide IEP services through an alternative means, such as curriculum-based schoolwork packets, online learning or some other learning adapted to the student's needs and location.
3. ARCs are responsible for reviewing how the closure impacted the delivery of special education and related services to students with IEPs. Each student's ARC must make an individual determination to decide whether the student requires compensatory education to make up for any skills that may have been lost because the student did not receive educational benefit due to missed IEP services.
4. If annual IEP reviews or eligibility reviews are due during NTI days, please work closely with your school to meet as soon as school is back in session or through alternate means, such as video or audio conference calls.

**Additional guidance:**

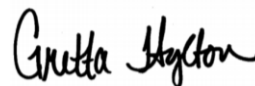
- [Non-Regulatory Guidance Regarding the Implementation of the Non-Traditional Instruction Program \(NTI\) for Students with Individual Education Programs \(IEPs\) During Novel Coronavirus Pandemic](#)
- [KDE's COVID-19 webpage](#)
- [U.S. Department of Education's COVID-19 \("Coronavirus"\) Information and Resources for Schools and School Personnel](#)

Please direct student-specific questions to your local director of special education. For general questions, you may wish to contact a consultant within the Kentucky Department of Education's Office of Special Education and Early Learning by calling (502) 564-4970.

Sincerely,



Kevin C. Brown  
Interim Commissioner of Education  
Kentucky Department of Education



Gretta Hylton  
Associate Commissioner  
Office of Special Education and Early Learning  
Kentucky Department of Education