

# Summer Series for Families During COVID-19

## Session 3: Planning for the Start of the School Year

August 3, 2020

Hosted by:

Amy Clawson, Northern Ohio Family Specialist  
Celia Schloemer, Family Support Coordinator

Ohio Family to Family Health Information Center



# Welcome to our virtual training!

Summer Series

How will this “virtual” session work?

- Participant’s video functions are turned off
- Microphones are muted for the entire presentation.
- If you are joining by video, please enter your questions via the chat box
- This webinar is being recorded and will be available to access, along with a pdf of the slides, within two weeks on our website at: [www.ohiof2f.org/training-materials](http://www.ohiof2f.org/training-materials)



Thank you!

# Today our panelists will share:

- - Compensatory Education
- - Reminders about Laws & Procedural Safeguards
- - Tips and Resources on preparing for school conversations, ongoing communication with school, documentation tips, meaningful planning, and progress reporting frequency.

# Planning for the Start of the School Year: Basic Legal Considerations

John Price

[www.disabilityrightsohio.org](http://www.disabilityrightsohio.org)

614-466 7264  
or 800-282-9181



**Disability  
Rights** OHIO

We have the  
legal right of way.

# What We'll Cover



- Quick overview of ODE's Re-Opening Document
- FAPE in the COVID-19 era
- IEP meetings during COVID-19
- Evaluations in the COVID-19 era
- Compensatory Education
- Procedural Safeguards

# Some practical considerations



- There is so much that remains uncertain (How long will COVID be around? how long will schools be impacted? What will the state do?)
- Understand that information changes on a daily basis, and this is the best information we have available.
- To the extent possible, work collaboratively with your child's school to determine how your child will be educated.

# How can I reduce my uncertainty?



- Participate in programs like these to get the best information available.
- Check the federal and state departments of education for updates.
  - Visit [coronavirus.ohio.gov](https://coronavirus.ohio.gov) and [education.ohio.gov](https://education.ohio.gov) for state updates
- Monitor state and local news.
- Check your local school district policies.
- Communicate with your school district.

# Ohio Reset and Restart



- The Ohio Department of Education has issued a re-opening guide to school districts called *Reset and Restart*.
- The Guidance primarily contains guidelines that are not mandatory and allow local school districts to set policies.
- You can find the document and other state policies regarding reopening here:  
<http://education.ohio.gov/Topics/Reset-and-Restart>.



# FAPE During COVID



- The definition of free, appropriate public education (FAPE) has not changed in the COVID-19 era—it is rooted in federal law.
- IEP must be “reasonably calculated to enable a child to make progress appropriate in the light of the child’s circumstances.” *Endrew F. v. Douglas Cnty. Sch. Dist.*, 137 S. Ct. 988 (2017).

# FAPE During COVID



- COVID guidance issued by U.S. Dept. of Education has recognized that “schools may not be able to provide all services in the manner they are normally provided.”
- The guidance tells schools that while they may be able to provide some services safely in person, there will be situations in which special education services will need to be delivered online.

# State Guidance on FAPE



- Guidance from the Ohio Department of Education: “When working with students through alternative delivery models, the school or district should make a good faith effort within available capabilities to determine how a Free Appropriate Public Education (FAPE) will be provided.”
- Also states that if FAPE cannot be delivered considering all the limitations, then the Team should consider compensatory education once building restrictions have been lifted.

# FAPE Considerations for Remote Learning



- Making sure special education students have access to remote instruction
- Equal access to remote materials
- Ability to differentiate instruction
- Ability to provide supports and related services
- Training for staff, students, and parents on the online program
- Communication protocol with parents and district staff
- Role of instructional aides and assistive technology

# FAPE Summary



- Your child is still owed FAPE as defined pre-COVID.
- You and your district should work together to determine how to meet these needs given whatever limitations exist (online only, partially in-person, etc.)
- The District should make the best effort possible to provide FAPE.
- If FAPE cannot be met, your child should be provided compensatory education.

# IEP Meetings During COVID



- You should request an IEP meeting ASAP to discuss the delivery of your child's services for this school year.
- The Team needs to consider the format of the services your child receives, how your child will be supported, how will your child be kept safe.
- This should be an individualized determination made according to your child's needs and the District's policies around social distancing.
- Be skeptical of one-size-fits all approaches.
- IEP meetings can be conducted virtually or by phone.
- You may want to request more frequent progress reporting.

# Instructional Format Decisions



- Many school districts are offering a choice to parents about whether their child will do online or some kind of in-person instruction and are giving parents a deadline to choose a format.
- Make this decision with the IEP Team to determine what best meets your child's needs and keeps them safe.
- IEP Team decisions trump any deadlines set by the school, so understand that your child's needs may change and the format may change.
- Make sure the Team takes your child's medical needs and vulnerabilities into account.

# Other Factors



- Discuss with the IEP Team any difficulties you may foresee that are unique to your child.
- For instance, will your child struggle to wear a mask if required? What supports might be put in place to help them and protect others? May need to modify behavior plan.
- If your child struggles with emotional difficulties exacerbated by COVID, make sure the Team is aware and plan how this will be addressed.
- Will there be structural alterations to the classroom that may impact your child?



# Changes to the IEP



- You should be careful not to agree to reductions or negative changes to services on the IEP.
- This could limit the amount of compensatory education to which you are entitled.
- If school districts make changes, make sure you document your disagreement in the prior written notice or a letter to the Team copied to the child's file.
- Note that you and the District can agree to amend the IEP without a meeting if you make a written agreement to amend

# Evaluations During COVID



- To the extent possible, school districts should comply with the 60-day timeline for initial evaluations.
- The only situation in which the District should extend this deadline is if the evaluation requires assessments that must be done in person and the building remains closed, in which case ODE has stated they can be completed once the closure has ended.
- State guidance makes clear that ETR meetings can be conducted virtually or telephonically.

# Evaluations During COVID



- If your child's evaluation is being held up, inform the Team that the timeline is still in effect.
- If your child's evaluators are stating that evaluations cannot be done remotely, ask whether there are alternative assessments that could be completed safely.
- Think about whether the assessment may be able to be completed from a safe distance (outdoors, masks) if no other option exists.

# Evaluations During COVID



- Also remember that normed assessments are only one tool.
- Engage the Team to think about other ways they could identify educational needs.
  - The child's school work
  - Teacher observations
  - Data collected by the parent
  - Outside evaluations conducted by medical personnel

# Re-Evaluations During COVID



- If your child is due for a triennial re-evaluation, consider what we just talked about.
- Also, Teams have the option to conduct record reviews if the child's needs have not significantly changed since the last evaluation.

# Compensatory Education



- If it is impossible for your child to receive FAPE during the closure, your remedy will likely be to seek compensatory education to be completed once more typical instruction is possible.
- You should collect as much data as possible about your child's services and progress to prepare for comp ed discussions.
- This includes services provided/missed, the amount of regression, anecdotal evidence.
- Utilize experts if necessary.

# Compensatory Education



- Comp ed is NOT awarded to students on a minute-for minute basis. Thus, missing one hour of a service will not necessarily entitle the child to one hour of comp ed.
- The legal standard is that comp ed **should put the child in the position he or she would be in had the district provided the appropriate services in the first place.**
- Could be more or less than the actual amount of services missed. Up to you to make the argument.

# Compensatory Education: New State Language



- Compensatory Education Services are educational services provided to a student because the district was unable to provide the special education services listed in the student's IEP during the ordered school-building closure. School districts and parents can mutually agree to the compensatory education services after the ordered school-building closure ends or contact the Office for Exceptional Children for dispute resolution options. Compensatory education can be issued through a corrective action plan triggered by the formal complaint or due process and are addressed on an individual basis. The timelines for these dispute resolution options are established by the Individuals with Disabilities Education Act.



# Procedural Safeguards



- IEP meeting (the first step).
- Facilitated IEP meeting.
- Mediation (Both parent and school have to agree to mediate. Mediations will be virtual for now.)
- Superintendent review.
- State complaint to Ohio Department of Education (must file within 1 year)
- Due Process Hearing (must file within 2 years).
- Must exhaust dispute resolution processes before going to court under IDEA.

# Advocacy Tips



- Document, document, document.
- Make any requests in writing.
- Be very clear about what you're asking for.
- Keep your focus on the present and what will resolve your problem.
- Get expert support for your position.  
(Could be your child's physician, therapist, social worker, OT, PT, behavior specialist, etc.)

# Advocacy Tips



- Always frame requests in terms of your child's needs.
- Try to resolve disputes at a low level to avoid costly and disruptive litigation.
- The law does not guarantee what is best for your child—only what is necessary for him or her to benefit from the education.
- Reach out for help!

# Key Takeaways



- Get an IEP meeting scheduled as soon as possible to plan for the upcoming school year.
- Make sure the IEP retains high expectations for your child and does not cut services because they are unavailable in their usual form.
- Monitor your child's progress closely.
- Stay informed about updates about school policies from the state and from the District.
- Above all, keep you and your family safe, and respect your school's reasonable attempts to protect their staff.



# Preparing for School Food for Thought

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PRESENTED BY

VICKY COLEMAN  
IVETTE SARKAR

# Initiate a meeting

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Email or mail a letter to school staff

Have a goal in mind

Have an outline of topics to discuss in order of importance

Be prepared by reviewing ETR, IEP or 504 beforehand

Keep it simple if there are multiple topics request another meeting





# Areas of Concern

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## Related Services

- Therapies
- Parent Support

## Regression

## Behavioral Challenges

## Socialization

## School Avoidance/Fear

## Safety

Table 25-1

**Pre-Meeting Worksheet**

Location: \_\_\_\_\_

Date: \_\_\_\_\_

What is purpose of the meeting? \_\_\_\_\_

Who requested the meeting? \_\_\_\_\_

Who will attend the meeting (e.g., teachers, administrators, parent, child)?  
\_\_\_\_\_  
\_\_\_\_\_What do you want? \_\_\_\_\_  
\_\_\_\_\_What do they want? \_\_\_\_\_  
\_\_\_\_\_What action do you want them to take? \_\_\_\_\_  
\_\_\_\_\_How motivated are they to give you what you want? \_\_\_\_\_  
\_\_\_\_\_What will prevent them from giving you what you want? \_\_\_\_\_  
\_\_\_\_\_How can you alleviate their concerns? \_\_\_\_\_  
\_\_\_\_\_**Wrightslaw: All About IEPs – Present Levels Checklist**

Question	Yes	No
1. Do the Present Levels Statements include <i>current, measurable</i> data that correspond with measureable IEP goals?		
2. Do the Present Levels Statements include baseline data that you and the school can use to monitor your child's progress toward the IEP goals?		
3. Do the Present Levels Statements include information about academic achievement including subjects like reading, math, and spelling?		
4. Do the Present Levels Statements include information about functional performance, including non-academic and functional areas like communication, fine motor skills, behavior and social skills, and daily life activities?		
5. Do the Present Levels Statements in the IEP describe what your child is doing now?		
6. Are your child's strengths listed in the Present Levels?		
7. Are ALL of your child's needs related to his disability listed in the Present Levels?		
8. Do the Present Levels Statements include your parental input and concerns about your child's strengths and needs?		
9. Is there a goal for each identified Present Level?		
10. What is the plan for deficits determined? How will you measure progress to show the Present Levels improved?		



## All About IEPs

### Your Image

When you dress neatly and conservatively for school meetings, you convey a professional image. When you organize your child's file and bring the file to IEP meetings, you send the message that you expect to develop a professional partnership with other team members.

When you arrive early for an IEP meeting, you have time to relax and focus on what you want to accomplish.

Your interpersonal style affects how you feel and behave at IEP meetings. If you are a controller, you are likely to feel out of control at IEP meetings. If you are eager to please, your desire to be liked may cause you to agree to anything the school proposes. If you are a conflict-avoider, you may keep your concerns about your child's education to yourself. Look in the mirror. Do you need to change your style?

## 5 Rules of Successful IEP Meetings

Here are five rules for successful IEP meetings. Keep these rules in mind as you prepare for the next IEP meeting.

### 1. Know what you want

Make requests in writing. If you make a verbal request, be sure to follow up with a letter. If you have a problem, think about possible solutions to the problem. Describe the problem and solutions in clear language. You want the IEP team members to understand the problem and your proposed solutions.

When you are prepared, you can participate effectively in meetings. Answer these questions:

- What do you want?

### IEP Meeting

### Worksheet

Child's Name:

Date:

School:

Child's Need/ Parent Request	School's Response	Resolved	Start Date	Responsible Person

Learn more about "Meeting Strategies" in Chapter 26, *Wrightslaw: From Emotions to Advocacy, 2nd Edition*.

# Learning Options

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Remote

Classroom

Blended

What works and doesn't



DATE: _____		<b>Proficiency Scale:</b> 4 Mastered 3 Making Progress 2 Skill Developing 1 New Concept
<b>SKILL</b>	<b>TIME SPENT</b>	<b>PROFICIENCY</b>
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**Notes:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Discussions to have with School Team

## Progress Monitoring

## Frequent Communication

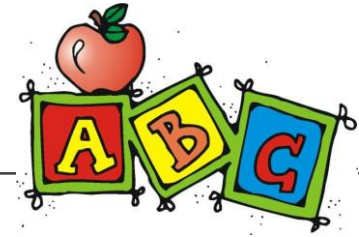
## Data Sheets

## Learning Tools and Resources

Updating the IEP/504 to reflect the current educational programming

# School Options

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Traditional Public School

Charter School

Private School

Online Public School

Autism Scholarship

Jon Peterson Scholarship



# Best Practices

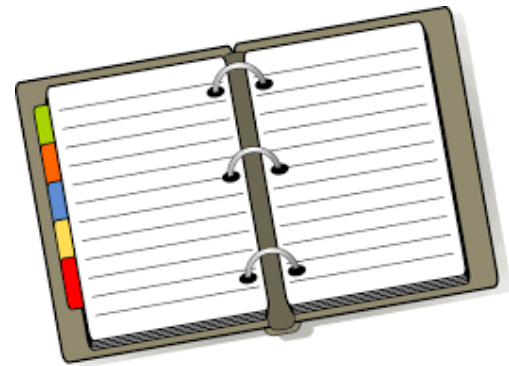
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Keep a phone log of all conversations with school.

Maintain a detailed record of what your child is working on and their class schedule.

Organize school documents

Reach out to your Pediatrician, Ohio Family to Family, Your local county Board of DD, The Ohio Coalition for the Education of Children with Disabilities, Your school district's Parent Mentor, Milestones Autism Resources, or other community resources for assistance.





# Conclusion

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Have a Plan B or Plan C

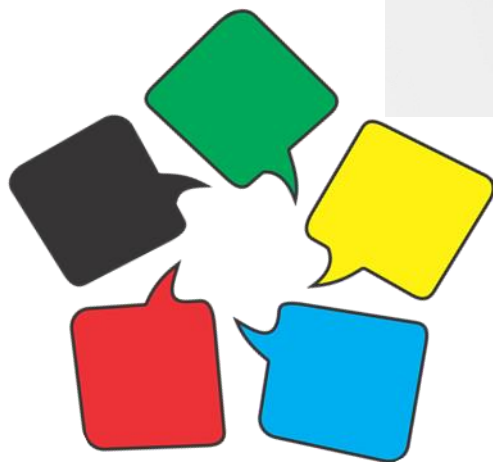
You may feel alone but you're not!

For additional assistance or resources please contact:

Vicky Coleman [vcoleman@nwlsd.org](mailto:vcoleman@nwlsd.org)

Ivette Sarkar [ivettes@ocecd.org](mailto:ivettes@ocecd.org)

# Questions



# How to reach us

- Ohio Family to Family – [www.ohiof2f.org](http://www.ohiof2f.org)
- Ohio Parent to Parent - [www.ohiof2f.org/ohiop2p/](http://www.ohiof2f.org/ohiop2p/)



**Amy Clawson** – Northern Ohio Family Specialist  
Family Information and Resource Specialist, Ohio F2F  
[amy.clawson@cchmc.org](mailto:amy.clawson@cchmc.org)  
(844) 644-6323, option 3



# How to reach us



UCCEDD <https://www.ucucedd.org/>

Family Support Coordinator-  
<https://www.ucucedd.org/family-support/>

[Celia.Schoemer@cchmc.org](mailto:Celia.Schoemer@cchmc.org)  
(513) 636-4723

# COVID & Education-Specific Resources

QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK <https://sites.ed.gov/idea/files/qa-covid-19-03-12-2020.pdf>

Considerations for Students with Disabilities During Ohio's Ordered School-Building Closure

<http://education.ohio.gov/getattachment/Topics/Student-Supports/Coronavirus/Considerations-for-Students-with-Disabilities-Duri/Considerations-for-Students-with-Disabilities-During-Ohio%E2%80%99s-Ordered-School-Building-Closure.pdf>

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>

COPAA Questions and Answers <https://www.copaa.org/page/covid-19>

[https://cdn.ymaws.com/www.copaa.org/resource/resmgr/docs/2020\\_docs/covid\\_19\\_faq\\_final-v3.pdf](https://cdn.ymaws.com/www.copaa.org/resource/resmgr/docs/2020_docs/covid_19_faq_final-v3.pdf)

OEA COVID-19 FAQ <https://www.ohea.org/ohea-coronavirus-faq/>

Ohio Schools Reset and Restart

<http://education.ohio.gov/getattachment/Topics/Reset-and-Restart/Reset-Restart-Guide.pdf.aspx?lang=en-US>

