Part I:  Update on Federal and State Guidance

Presented by: Lisa Lapinski

Key Laws, Agencies and Acronyms

- United States Department of Education - U.S. DOE
- Massachusetts Department of Elementary and Secondary Education - MA DESE
- Individuals with Disabilities in Education Act - IDEA
- Massachusetts Chapter 766, found in Mass General Laws as Chapter 71B
- Section 504 of the Rehabilitation Act of 1973 - Section 504
- Title II of the Americans with Disabilities Act of 1990
Key Guidance Documents - Chronology

- March 12, 2020 - U.S. DOE Q&A on Providing Services to Children with Disabilities During the COVID-19 Outbreak
- Providing services to children with disabilities contingent on whether school is providing “educational opportunities” to general student population
- March 17, 2020 - MA DESE - COVID-19 FAQ for Schools and Districts Regarding Special Education (withdrawn as of 3/26/20)
- Response to U.S. DOE’s March 12th document and Governor Baker’s school closure order of March 15th
- When a school district is closed and does not provide any “educational services” to the general student population during the closure, that district is not required to provide services or FAPE to students with disabilities
- IEP Teams would convene after schools reopen to determine impact of closures and whether “additional” services are needed

Key Guidance Documents, cont’d

- OCR and OSERS “must address a serious misunderstanding that has recently circulated within the educational community.” - e.g., districts providing no services to any students for fear of triggering impossible to meet IDEA and 504 standards.
Key Guidance Documents, cont’d

- Advocacy efforts in response to US DOE and MA DESE Guidance including:
  - Special Education Parent and Student Attorneys’ Letter submitted March 20, 2020
  - Joint effort by SPaN, FCSN and the ARC - Letter submitted March 23, 2020
  - Commissioner Johnston held meetings with many stakeholder groups between Monday 3/23 and 3/26
- **March 26, 2020 MA DESE Commissioner Jeffrey Riley - Remote Learning Recommendations During COVID-19 School Closures**
  - Purpose is to provide statewide **recommendations** for priorities and remote learning

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**March 26, 2020 MA DESE Commissioner Jeffrey Riley - Remote Learning Recommendations During COVID-19 School Closures**

- Focus on holistic needs of the educational community
  - safety and wellbeing of staff, students and families
  - Equity considerations for vulnerable students due to physical and mental health concerns, students with disabilities, and English learners
- **Districts and schools must work to adopt remote learning model** -
  - “obligation to engage students in meaningful structured educational program”
  - Not just online - need to balance online screen time with “offline” learning
March 26, 2020 MA DESE Commissioner Jeffrey Riley - Remote Learning Recommendations During COVID-19 School Closure

- **Planning** - districts and schools are expected to engage in thoughtful planning with local stakeholders with target to launch in early April (assess capacity and resources)
  - The model and design rest at the local level
  - Recognition that teachers, schools and districts best positioned to develop plans to meet student needs, which may change over time

- **Remote Learning Model**
  - Support students to engage in meaningful and productive learning for approximately half the length of a school day
  - Combine educator directed and student self-directed learning
  - Focus on reinforcing skills already taught this school year (exception for high school level)

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March 26, 2020 MA DESE Commissioner Jeffrey Riley - Remote Learning Recommendations During COVID-19 School Closure

- **Components of remote learning schedule:**
  - Opportunity to connect with one or more educators multiple times per week (more for students with disabilities and for English learners)
  - Access to multiple hours per day of academic content directed by educators
  - Time each day for physical activity
  - Additional time for enrichment activities - arts, music, media, dance, theater, visual arts

- **Feedback and Grading:**
  - To the extent practicable, teachers should provide feedback on student work completed at home
  - Recommend academic content be graded as “credit/no credit” Before making a determination of “no credit” schools are urged to consider equitable access issues around technology, health, disability and language barriers.
AGENDA

- I. Lisa Lapinski - Current Status of Guidance from U.D. DOE and MA DESE -
- II. Dan Heffernan - BSEA and PRS - impact of COVID-19 on BSEA practice, hearing timelines, filings, mediation and PRS complaints
- III. Janine Solomon - impact of school closures and related limitation on service delivery for students with trauma histories, mental health and/or behavioral health challenges
- IV. Tim Sindelar - Action steps - what can parents and advocates do now and as we go forward?