

# COVID – 19 EC DIRECTOR’S FAQ Updated Regularly

## Table of Contents

FAQ as of March 15, 2020 ..... 1

### FAQ as of March 15, 2020

#### Questions from EC Directors/Coordinators

**NOTE:** Questions 1-27 were answered during the EC Director’s webinar on Friday, March 13, 2020. Please be advised that the written response to these same questions may now vary slightly based on the information shared during Governor Cooper’s Press Conference held on Saturday, March 14, 2020.

EC leadership should expect that our responses and guidance will be continuously reviewed and revised as of the most recent federal and state updates.

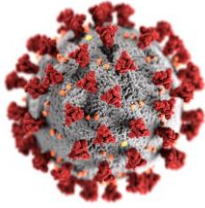
1. Differentiate between instructional program vs. alternative learning resources that are being offered but not required.

**ANSWER:** *There isn’t an official definition for either of these terms. However, for the purposes of identifying whether or not compensatory education would be required, we offer the following for consideration.*

- *If the instructional plan/alternative learning resources include direct instruction by an EC teacher, it is unlikely that compensatory education will be required.*
- *If work packets are specially-designed based on IEP goals but are not supported by instruction from an EC teacher, it will not meet the definition of specially-designed instruction and compensatory education will have to be determined.*

2. Could we have a website set up where you add the information daily so that we can access as we need?

**ANSWER:** *Yes, a padlet has been created and is organized in chronological order according to the receipt and issuance of updated resources, EC Division updates, etc. It can be found at: <http://bit.ly/CovidECPadlet>. This resource is private, password protected and available only to EC Leadership. Please look for a separate communication that contains the password.*



# COVID – 19

## EC DIRECTOR'S FAQ

Updated Regularly

3. What if virtual programming is completed on a half-day service instead of a whole day? Do the EC services have to be provided at the same rate as prior? For example: 90 minutes EC for a whole day – not 60 minutes for the half day based on general education schedule.

**ANSWER:** *The best guidance we can offer at this time is that if a school day is abbreviated for all, the abbreviation of EC services commensurate with the abbreviated school day is likely to be appropriate.*

4. For child count students that will have overdue IEPs due to school closings, will they be able to be counted?

**ANSWER:** *We anticipate that timelines will be adjusted; however, at this time our recommendation is to conduct IEP Team meetings and evaluations as you are able with consideration given to school closings and the need to ensure that students, staff and families remain safe and healthy. Updates will be provided as we are able.*

5. Will work packets which have been adjusted for the student based on his/her unique need still be deemed as “homework”?

**ANSWER:** *If work packets are specially-designed based on IEP goals but are not supported by instruction from an EC teacher, it will not meet the definition of specially-designed instruction and compensatory education will have to be determined.*

6. How does this work for the functional skills student that does not read/write?

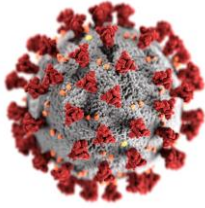
**ANSWER:** *It is unlikely that virtual learning or delivery of specially designed instruction outside of a school setting will be appropriate for our students with the most complex needs. The appropriateness of alternative delivery of special education and related services will have to be made on a case-by-case basis.*

7. If work packets are being sent home by regular education teachers should EC teachers send homework packets aligning with IEP goals?

**ANSWER:** *If work packets are specially-designed based on IEP goals but are not supported by instruction from an EC teacher, it will not meet the definition of specially-designed instruction and compensatory education will have to be determined.*

8. Is there any guidance to how we provide services to preschool students out in the community?

**ANSWER:** *At this time, guidance from local health departments and the lead agencies should be considered when determining whether or not services should continue in the community. The health and wellness of staff, students, families and service providers should be a high priority. Discussion has already begun between the ECD and DHHS on service for Birth-3. Further guidance should be available within the next few days.*



# COVID – 19

## EC DIRECTOR'S FAQ

Updated Regularly

9. How do we provide services like OT or PT if our LEA goes virtual? Would this be a matter of compensatory service consideration? Also, how do we go about conducting evaluations if students are not in the building? Are we expected to send evaluators to homes?

**ANSWER:** *Teletherapy is a new and growing option for the provision of some related services; however, whether or not it is an appropriate service delivery option should be made on a case-by-case basis. There is no expectation for evaluations to be conducted at home or during school/district/state-wide closures.*

10. If our general education teachers will be providing virtual learning, how are we supposed to serve the students?

**ANSWER:** *Virtual learning for students with disabilities should be considered on a case-by-case basis. It is unlikely that this option will be appropriate for all.*

11. Do video chats count as specially designed instruction if it is with the EC teacher and student?

**ANSWER:** *If the chat is used to deliver specially-designed instruction in accordance with the frequency, duration and intensity of the service delivery specified in the IEP and is focused on IEP goals, video chats could be an appropriate option to deliver SDI and compensatory education may not be required. As with all decisions regarding alternative methods of delivering SDI, determining the appropriateness on a case-by-case basis is key.*

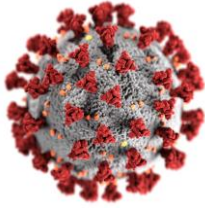
12. What if school is closed and regular education teachers are sending homework packets, etc. so students can maintain their skills? Would we be obligated to provide compensatory education?

**ANSWER:** *If school is closed for all students, then compensatory education is not required. However, the IEP Team will need to consider whether extended school year services are necessary when the LEA returns to a normal schedule. LEAs can make its own decision regarding supplemental work packets (homework) that is to be provided to its students during prolonged school closures.*

13. How is alternative instructional program defined?

**ANSWER:** *There isn't an official definition for this term. However, for the purposes of identifying whether or not compensatory education would be required, we offer the following for consideration.*

- *If the instructional plan/alternative learning resources include direct instruction by an EC teacher, it is unlikely that compensatory education will be required.*
- *If work packets are specially-designed based on IEP goals but are not supported by instruction from an EC teacher, it will not meet the definition of specially-designed instruction and compensatory education will have to be determined.*



# COVID – 19

## EC DIRECTOR'S FAQ

Updated Regularly

14. Is there a standard form to document students who experienced a delay in placement?

**ANSWER:** *Not at the current time. A spreadsheet with the student's name and a column(s) for the date of the 3<sup>rd</sup> birthday or 90-day timeline due date with the actual date of placement is encouraged.*

15. What about the provision of related services (OT, SLP, PT, other)?

**ANSWER:** *Teletherapy is a new and growing option for the provision of some related services; however, whether or not it is an appropriate service delivery option should be made on a case-by-case basis. There is no expectation for evaluations to be conducted at home or during school/district/state-wide closures.*

16. Our health department is recommending that all staff and students at high risk, which include some of our EC students, stay home. That being the case, are we effectively excluding a group of students?

**ANSWER:** *Based on this scenario, the health department is providing guidance for the general public to consider when making independent decisions about whether or not to attend school. Excluding students would be of concern if LEAs were prohibiting certain students from attending schools while school was in session for all.*

17. How do we handle students in co-teaching classes?

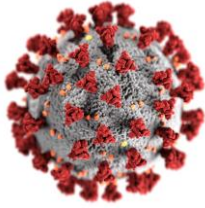
**ANSWER:** *If virtual learning can be provided by a general education and special education teacher (similar to a co-teaching experience provided in school), with opportunities for individual support, virtual instruction may be a viable option.*

18. Can you speak to how this impacts related services – Speech, OT, PT?

**ANSWER:** *Teletherapy is a new and growing option for the provision of some related services; however, whether or not it is an appropriate service delivery option should be made on a case-by-case basis. There is no expectation for evaluations to be conducted at home or during school/district/state-wide closures.*

19. If parents are getting doctors to write them out because of this virus and are requesting homebound services, do we provide Homebound?

**ANSWER:** *If school is closed for all students (Summer Break, etc.), instructional services are generally not provided. As with any medical request for homebound, the IEP Team must consider the appropriateness of the request and determine placement. The health and wellness of all students, staff and families should be considered during this time. If the doctor's request is based on the need to limit exposure to the virus, the IEP Team must also consider the risk for staff exposing a student who cannot attend school for this very reason.*



# COVID – 19

## EC DIRECTOR'S FAQ

Updated Regularly

20. Our LEA plans to have teachers interact with parents and students (if student can access instruction) via instructional telephone calls, SKYPE, etc. along with sending home packets of materials, visual supports, and manipulatives in advance. Teachers will log this time online with children. Do you consider this adequate for counting as service delivery of SDI?

**ANSWER:** *This combination of supplemental aids and supports plus direct instruction is a good example of how specially-designed instruction could be delivered during a prolonged school closure. It is unlikely that one of these variables alone would be sufficient.*

21. Are related services able to continue to deliver services at the school if parents are able to and willing to bring their child to the school.... this is considering that the school is providing virtual learning on a preemptive basis and not a mandated closure.

**ANSWER:** *In this scenario, LEAs would have to consider whether the child would require special transportation to access the service. If so, the LEA would have to make the special transportation available. During this time, the health and wellness of all involved needs to be considered. If schools are closed per the Governor's Executive Order, then school is closed for all activities.*

22. During an alternative instructional program, do the services provided (like in a virtual setting) need to be equal to the services provided in the brick and mortar school?

**ANSWER:** *Yes, unless the IEP Team determines otherwise. If the school day is abbreviated for ALL students, it may be reasonable for EC services to be abbreviated in proportion to the abbreviated school day.*

23. Any guidance on EC direct service times? We are planning lessons and online resources for EC students, but I did not know how this effects the frequency and location time on the IEP. Does this count?

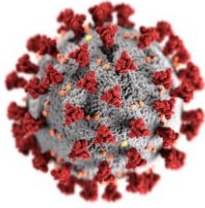
**ANSWER:** *See Question #22.*

24. What do we do about providing related services?

**ANSWER:** *Teletherapy is a new and growing option for the provision of some related services; however, whether or not it is an appropriate service delivery option should be made on a case-by-case basis.*

25. Service ID students that do not have the cognitive abilities to access online resources?

**ANSWER:** *It is unlikely that virtual learning or delivery of specially designed instruction outside of a school setting will be appropriate for our students with the most complex needs. The appropriateness of alternative delivery of special education and related services will have to be made on a case-by-case basis.*



# COVID – 19

## EC DIRECTOR'S FAQ

Updated Regularly

26. Will April 1 headcount be extended?

**ANSWER:** *We anticipate that timelines will be adjusted; however, at this time our recommendation is to conduct IEP Team meetings and evaluations as you are able once schools are no longer closed for staff and students. Updates will be provided as we are able.*

27. How will this affect the 90-day timeline?

**ANSWER:** *We anticipate that timelines will be adjusted; however, at this time our recommendation is to conduct IEP Team meetings and evaluations as you are able once schools are no longer closed for staff and students. Updates will be provided as we are able.*

28. Is it allowable to bring student records home in order to facilitate the continuation of meetings?

**ANSWER:** *While efforts to ensure that IEP Team meetings occur in a timely fashion is appreciated, the risk of breaching student confidentiality increases when student records are removed from the security of the school building. For this reason, this practice is strongly discouraged.*

29. Our school had 5 days "built in" to the schedule that we would not have had to make up. Would we have to make up services missed for those five days, since we will not have to make them up?

**ANSWER:** *This will be a decision between the State Superintendent, State Board of Education, local superintendents and local state boards, in discussion with the state Legislature.*

30. For students who have 3+ hours, it is unreasonable to think we can serve all of that per day. What is the guidance?

**ANSWER:** *For this scenario, the LEA should track the hours that special education and related services were not provided and use them to determine the scope of compensatory education that will be required when school schedules return to normal.*

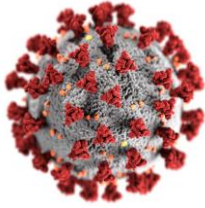
31. For students who cannot access virtual or phone learning, what is your guidance?

**ANSWER:** *For this scenario, the LEA should track the hours that special education and related services were not provided and use them to determine the scope of compensatory education that will be required when school schedules return to normal.*

32. With the executive order from Governor Cooper closing all schools, what is the procedure with April 1 Child Count? We have meetings in our district scheduled for this week and next. If they do not take place and lapse what do we do?

**ANSWER:** *See Question #26*





# COVID – 19

## EC DIRECTOR'S FAQ

Updated Regularly

33. How to deliver related service?

**ANSWER:** *Teletherapy is a new and growing option for the provision of some related services; however, whether or not it is an appropriate service delivery option should be made on a case-by-case basis.*

34. Initial and reevaluation testing in progress. How to complete?

**ANSWER:** *We anticipate that timelines will be adjusted; however, at this time our recommendation is to conduct IEP Team meetings and evaluations as you are able once schools are not closed. Updates will be provided as we are able.*

35. If your LEA has determined that it will be providing alternate learning opportunities to all students during the closure of schools and EC teachers have prepared alternative service delivery options for students (online learning, materials sent home, virtual instruction) will IEP meetings need to be held for all EC students in the LEA to note the change in location for services? If so, with the mandate of school closure how should LEAs do this?

**ANSWER:** *If the location of services is the only thing that will change for the student with disabilities, an IEP Team meeting does not need to be held to amend the IEP. Strong communication with families of children with disabilities is strongly encouraged.*

36. Can you give some specific examples of how speech therapists can deliver SDI to students online and for those who do not have access to online?

**ANSWER:** *Teletherapy is a new and growing option for the provision of some related services; however, whether or not it is an appropriate service delivery option should be made on a case-by-case basis. State related service providers will provide further guidance in the near future.*

37. Can you give some specific examples of how OT's can deliver SDI to students online and for those who do not have access to online?

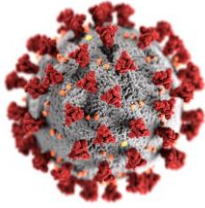
**ANSWER:** *See Question #36*

38. Can you give some specific examples of how PT's can deliver SDI to students online and for those who do not have access to online?

**ANSWER:** *See Question #36*

39. How should homebound services be handled?

**ANSWER:** *If school is closed for all students (Summer Break, etc.), instructional services are generally not provided. As with any medical request for homebound, the IEP Team must consider the appropriateness of the request and determine placement. The health and wellness of all students, staff and families should be considered during this time. If the*



## COVID – 19 EC DIRECTOR'S FAQ Updated Regularly

*doctor's request is based on the need to limit exposure to the virus, the IEP Team must also consider the risk for staff exposing a student who cannot attend school for this very reason.*

40. Do EC teachers need to amend IEP's to reflect change in service times?

**ANSWER:** *If the frequency, duration and intensity of special education and related services will be substantially different during prolonged school closures, it is highly recommended that IEP Team meetings are held to discuss and document the service delivery and the appropriateness of the revision. If additional guidance is provided from OSEP, we will update this response.*

41. (OCS) Hands on job training experiences are a large part of preparation instruction. How would we handle that? It could result in a loss of work hours and could impact graduation.

**ANSWER:** *Unfortunately, graduation requirements are of concern for all students, not just students participating in the Occupational Course of Study. We look to receive additional guidance in the near future regarding students who will be graduating soon.*

42. Do you have any specific examples of how others will deliver SDI to students with disabilities during this time? Especially under the remote learning model. In addition, we have a lot of students who will not have access to the internet and would love any specific suggestions you may have!

**ANSWER:** *Efforts are underway to compile virtual instructional resources. We encourage EC staff to review opportunities for low-cost free internet service through its local service providers. It is our understanding that these resources are becoming available. Additionally, the State Superintendent is a member of the task force organized to explore distant learning, instructional resources and the provision of school meals to students who experience additional hardships during school closures.*

43. As I understand it, we can have virtual IEP meetings for students who have IEP's due during the dates that school is closed, correct?

**ANSWER:** *At this time our recommendation is to conduct IEP Team meetings and evaluations as you are able once schools are no longer closed for staff and students.*