



Q&A: DELIVERING SPECIAL EDUCATION SERVICES DURING THE COVID-19 PANDEMIC

Providing services to students with disabilities during this period of school closures has presented challenges, along with misinformation, that may be causing confusion. Local Education Agencies (LEAs) must make decisions regarding the health, safety, and well-being of all students and staff. This document attempts to answer questions and provide guidance about this subject, which will be updated as more information becomes available.

Frequently Asked Questions and Issues to Address

Who will provide guidance regarding the requirements for special education during the pandemic?

The United States Department of Education (USDOE) has stated it stands ready to offer guidance, technical assistance, and information regarding flexibility, within the confines of the law, to ensure all students have a free appropriate public education (FAPE). To date, the USDOE has issued two primary documents addressing the needs of students with disabilities during this time: 1) [Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak](#), March 12, 2020 (“USDOE Q&A”); and, 2) [Supplement Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities](#), March 21, 2020 (“USDOE Supplemental Fact Sheet”).

The California Department of Education (CDE), and other state agencies, may also offer guidance in the future but have not issued state directives regarding this topic to date.

Does federal law require face-to-face, in-person services be provided to special education students?

Federal law is open to providing distance learning to students with disabilities. “Distance learning” means instruction in which the student and instructor are in different locations.

Will FAPE still be a requirement while the COVID-19 stay at home mandates are in place?

Yes. LEAs must provide FAPE to all students. Special education and related services may be provided through virtual means, including on-line instruction, take home packets, phone calls, emails, text reminder applications, and other means of communication ([USDOE Supplemental Fact Sheet](#)).

Are the timelines for Individualized Educational Plans (IEPs) waived? If not, how are we going to be able to hold IEP meetings?

The timelines for IEPs have not been waived, and IEPs are still a federal mandate. IEP meeting deadlines must be met by using virtual or telephonic devices, which enable all members of the IEP team to meet (virtually) and participate in the student’s IEP. All IEP team members should be given access to all documents pertaining to the student prior to the meeting.



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How are we going to be able to obtain signatures if we can't meet face to face?

There are companies that offer virtual signature services for a cost. These services should ensure privacy, safety, and accuracy of signatures on the IEP, which is a legal document. For example, Adobe provides a certificate-based signature, which, like a conventional handwritten signature, identifies the person signing a document. Unlike a handwritten signature, a certificate-based signature is difficult to forge because it contains encrypted information that is unique to the signer. It can be easily verified and informs recipients whether the document was modified after initially signed. DocuSign is another service that provides a secure electronic signature. In most cases, with input from the association, your district should be the one to review and select the service to be used (and in all cases should pay for the service, if required).

What should be recorded/documented on the Special Education Student Information System (SESIS) during distance learning?

Each LEA should establish its own best practices/policies and should inform all relevant educators about these tracking requirements. If you are unaware of your LEA's requirements, you should contact your administrator to inquire.

How should IEP team meetings be conducted during long-term school closures due to COVID-19?

IEP Teams are not required to meet in person while schools are closed. If an evaluation of a student with a disability *requires* a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place virtually while schools are closed, so long as a student's parent or legal guardian consents. These same principles apply to similar activities conducted by appropriate personnel for a student with a disability who has a Section 504 plan or who is being evaluated under Section 504 ([USDOE Office for Civil Rights Fact Sheet](#), March 16, 2020).

Can IEPs be modified during the shutdown to reflect a temporary change in service?

An addendum can be made to an IEP, and the IEP team may decide to have service minutes made up at a later date when school resumes (p. 3, [USDOE Office for Civil Rights Fact Sheet](#)).

What if a student is not able to receive the same minutes of services in a virtual learning environment?

It may not be possible to meet the same service minutes in a virtual learning environment. IEP teams may — but are not required to — consider adding an addendum to the student's existing IEP in order to provide distance learning.

In some cases, when a student does not receive services due to closure, IEP teams may have to consider adding compensatory services at a later date, when school resumes.



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Can a student's IEP be changed to reflect IEP services in a virtual group setting?

Yes. If the services provided require an online group setting and the student's IEP only says individual services, an addendum may be made to the IEP to reflect the change. Services may be provided using an online group setting.

Should we be concerned about following the Health Information Portability and Accountability Act (HIPAA)?

Yes, you should use HIPAA compliant software. One example is [Zoom for Healthcare](#).

Can equivalent quality speech and language services be provided to students by teletherapy during the pandemic?

Schools may not be able to provide all services in the same manner as typically provided. At this time of emergency closures, it may be unsafe or unfeasible to provide certain IEP services to some students in-person. Many speech or language services can be held through video conferencing.

The American Speech-Language-Hearing Association (ASHA) has [resources](#) that provide Speech Language Pathologist (SLP) services through video conferencing technology during this crisis. They are also providing free access to [professional development modules](#) through June 30 for current ASHA members.

Can all California Speech Language Pathologists (SLP) and Speech Language Pathology Assistants (SLPA) provide services via telephone or video conferencing?

If you are a SLP and concerned about licensing, you may wish to contact the state licensing department to ask for additional clarification. As long as services comply with federal, state, institutional, and professional regulations and policies, tele-practice can be implemented.

Do you have any advice if Special Education teachers are doing proportionately more work than their colleagues due to distance learning?

This is a negotiable workload issue that may be addressed through bargaining with your LEA.

Additional Information

This Q&A sheet will be updated as additional information becomes available, particularly as further state or federal guidance is issued. In the meantime, especially during these very difficult times, questions should immediately be directed to your local CTA Primary Contact Staff person.