

## **FACT SHEET: Exceptional Student Education and COVID-19**

As you know, the entirety of our society is currently dealing with the Novel Coronavirus (COVID-19) crisis. This fact sheet is being provided to update you on the available information concerning this event, and to provide you with some insight as to how Pasco County Schools will be doing its best to continue the education of its students throughout this state of emergency. Federal, State, and Local officials are constantly assessing this emergency in order to plan accordingly as the circumstances evolve. Pasco County Schools will provide you with confirmed updates and information that may impact the education of your child.

### **General Information concerning COVID-19:**

- United States and other nations around the world are currently fighting the spread of the Novel Coronavirus, otherwise identified as COVID-19.
- COVID-19 is a severe, acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza.
- Given the nature of this virus, it can be deadly for certain, at-risk members of our society.
- The World Health Organization declared COVID-19 as a public health emergency of international concern.
- Because COVID-19 has proven to be significantly contagious and dangerous, Governor, Ron Desantis, declared a state of emergency in Florida.
- Federal, State, and Local authorities have issued multiple executive orders, recommendations, guidelines, and mitigation measures to help prevent or slow the spread of COVID-19 into the community, and thereby protect the vulnerable members of our society.
- The Centers for Disease Control and Prevention (hereinafter, CDC) has issued recommendations on school closures based on available science, reports from other countries and consultation with school health experts.<sup>1</sup>
- The CDC's recommendations call for potential school closures ranging in time from short to medium lengths (2-4 weeks of closure) up to medium to long lengths (4-8 weeks or more), depending on the spread of COVID-19.
- In an effort to protect our children and our community, Education Commissioner, Richard Corcoran, has announced that schools shall be closed until April 15, 2020, and that all Florida students will engage in distance learning.
- The Florida Department of Education (hereinafter, FLDOE) has mandated that all school districts, be prepared to implement their Instructional Continuity Plan by March 30, 2020.<sup>2</sup>

### **Distance Learning:**

- Pasco County Schools is implementing the required distance learning through an online format, which is scheduled to begin by March 30, 2020.

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<sup>1</sup> CDC (March 2020) *Considerations for School Closures*, retrieved from <https://www.cdc.gov/coronavirus/2019-ncov/downloads/considerations-for-school-closure.pdf>

<sup>2</sup> FLDOE (March 24, 2020) *Coronavirus (COVID-19)*, retrieved from <http://www.fldoe.org/em-response/index.shtml>, (March 24, 2020)

## **The Need for Flexibility in Providing ESE Services during School Closures:**

- Given the uncontrollable circumstances created by COVID-19, and the very limited time period that districts have had to reconfigure their entire educational system, the Florida Department of Education has provided school districts with latitude in the provision of continued services and accommodations to their exceptional student populations: “To support students identified with IEP-related services who may have a disruption in services, school districts have flexibility for the remainder of the school year to provide alternate services or delay services in coordination with the student’s parents and IEP team.”<sup>3</sup>
- Similarly, the United States Department of Education (hereinafter, USDOE) has confirmed the latitude that school districts will need in serving their exceptional students during this state of emergency: “The Department understands there may be exceptional circumstances that could affect how a particular service is provided.”<sup>4</sup>
- The USDOE has issued guidance, confirming that, while school districts must continue to provide students with a free and appropriate public education (FAPE), the specialized instruction, accommodations, and related services will, necessarily, be affected: “In this unique and ever-changing environment, OCR (Office for Civil Rights) and OSERS (Office of Special Education and Rehabilitative Services) recognize that these exceptional circumstances may affect how all educational and related services and supports are provided, and the Department will offer flexibility where possible.”<sup>5</sup>
- The USDOE explained: “It is important to emphasize that federal disability law allows for flexibility in determining how to meet with individual needs of student with disabilities. The determination of how FAPE is to be provided may need to be different in this time of unprecedented national emergency. As mentioned above, FAPE may be provided consistent with the need to protect the health and safety of students with disabilities and those individuals providing special education and related services to students.”<sup>6</sup>

## **Pasco County Schools’ Plan to Provide ESE Services during School Closures:**

- Due to the State’s decision to close all Florida schools, the delivery of your child’s education model will, by necessity, be different during the time that schools are temporarily closed.
- Typically, a change in an exceptional student’s educational program would be considered a “change of placement”, which would be a decision recommended by your child’s IEP team (of which you are a part), and which would necessitate the amendment of your child’s IEP during a properly noticed and scheduled IEP meeting.

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<sup>3</sup> FLDOE (March 24, 2020) *Coronavirus (COVID-19)*, retrieved from <http://www.fldoe.org/em-response/index.shtml>, (March 24, 2020)

<sup>4</sup> USDOE (March 2020) *Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak*, retrieved from <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf>

<sup>5</sup> USDOE (March 21, 2020) *Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools while Serving Children with Disabilities*, retrieved from <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf>

<sup>6</sup> USDOE (March 21, 2020) *Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools while Serving Children with Disabilities*, retrieved from <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf>

- Obviously, due to the immediate and uncontrollable closure of schools, it was impossible for Pasco County Schools to follow the typical, above-referenced IEP amendment procedures for the thousands of exceptional students it serves.
- Furthermore, your child’s IEP team has not proposed a change of placement, but is instead trying to make a good faith effort to educate your child during this emergency.
- Given the nature of the unprecedented events before us, Pasco County Schools will be utilizing the “flexibility” afforded to it under the law to provide for your child’s needs for specialized instruction.
- As a part of this flexibility, Pasco County Schools will be providing you with a Temporary Distance Learning Plan (hereinafter, Distance Learning Plan).
- The purpose of the Distance Learning Plan is to confirm that your child will be temporarily educated through the District’s online distance learning program, and that your child’s instructors will alter the online program as needed in order to specifically meet your child’s individualized needs. Additionally, the team will be implementing and applying your child’s IEP during this period to the fullest extent that the extenuating circumstances permit.
- Once the COVID-19 emergency has passed, and schools re-open, the Distance Learning Plan will automatically cease and your child’s IEP will be implemented as usual.
- The Distance Learning Plan will also work to temporarily amend any IEPs that are due to expire during the State of Emergency, so as to render them current and implementable until the state of emergency has past and schools re-open. Schools will be doing their best to continue the IEP amendment and re-evaluation process during the school closures. However, to the extent that the circumstances prevent your IEP team from completing that work during the closures, upon the re-opening of schools, a formal IEP meeting will be performed to update the IEP and perform any needed re-evaluations.
- In accordance with the USDOE’s guidance, to the extent that your child was not able to receive adequate access to their educational during the COVID-19 emergency, upon our society’s return to normalcy and the re-opening of schools, you will be invited to participate in an IEP meeting, during which the IEP team will “make an individualized determination as to whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.”<sup>7</sup>

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<sup>7</sup> USDOE (March 2020) *Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak*, retrieved from <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf>