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Re-Entry Guidance for Special Needs Students **Logan County Schools**

At this time, Congress has not granted authorization to the United States Department of Education (USED) to allow flexibilities or waivers to IDEA. Therefore, all districts must continue to comply with all federal and state regulations and policies pertaining to students with exceptionalities. The following information focuses on re-entry, recovery, and the re-establishment of procedures, processes and protocols to provide the services our students with Individualized Education Programs (IEP) need to receive FAPE and meaningful benefit from their educational programs in Logan County Schools.

A. Blended Learning

Logan County Schools is providing a blended learning option to families to include face-to-face instruction for two days per week and three days of online learning. Students must be engaged in learning five days a week. Students with disabilities may be considered for alternative plans for face-to-face instruction based upon their needs as outlined within their IEP's. The IEP Team will determine the accommodations, special education, and related services that will provide a free appropriate public education (FAPE) that will allow for appropriate progress towards IEP goals by:

- A. reinstating the active IEP;
- B. conducting an IEP Team meeting;
- ~OR~ C. amending the IEP to make necessary adjustments without conducting a meeting.

If necessary, the IEP will be amended or reviewed to address the need for COVID-19 Recovery Services.

When attending school, students with severe disabilities are not required to wear a facial covering.

B. Virtual Option

Logan County will make certain that virtual school information is readily available to students and parents. Students with special needs may be provided virtual learning through an alternative curriculum as deemed

most appropriate by the IEP Team. When a student with an IEP applies to participate in the virtual option, the IEP Team will meet to review the student's IEP in full and consider the appropriateness of virtual instruction options relevant to the special education and related service needs of the student. The IEP Team will determine if the virtual instruction program is an appropriate option that will provide FAPE and meaningful benefit for the student. If the Team recommends a virtual instruction program as an appropriate option, the IEP will reflect the accommodations, special education, and related services needed to allow the student to make appropriate progress.

C. Remote Learning (Emergency Closure Procedures)

Logan County Schools will be prepared to implement full remote learning should it be required by the Governor. This will continue until it is deemed safe to return to in-person instruction. The IEP Team with guardian input will determine the IEP accommodations, special education, and related services that will be in place during the ordered school closure and provide a Remote Learning Plan to document, in detail, attempts and delivery of services. The IEP Team will develop a Remote Learning Plan to be prepared to implement full remote learning should it be required by the Governor. The development of a Remote Learning Plan should be documented in the Prior Written Notice (PWN). This plan will identify any services and accommodations that are possible during mandated remote learning. This agreed-upon plan will automatically become effective in this required scenario. The Remote Learning Plan needs to provide meaningful benefit and FAPE to the maximum extent possible.

D. Homebound via IEP placement

Based on a medical order, the student is determined to be high-risk or medically fragile. The IEP Team will conduct an IEP Team meeting to determine the most appropriate accommodations and special education and related services to provide FAPE and meaningful benefit for the student in an out-of-school environment. Students with special needs placed on homebound may be provided virtual learning through an alternative curriculum as deemed most appropriate by the IEP Team.

E. Homeschool

According to West Virginia Board of Education (WVBE) Policy 2419: Regulations for the Education of Students with Exceptionalities, if a student is withdrawn to homeschool, he/she is exited from West Virginia public schools and is not eligible to receive special education or related services required by FAPE. If the student returns to school, an Eligibility Committee meeting will need to be held to reestablish eligibility for special education and related services. As a result, an IEP Team meeting will be conducted to determine the appropriate accommodations, special education, and related services needed to provide FAPE.

Frequently Asked Questions (FAQ's)

Q1: Is Logan County required to provide a Free Appropriate Public Education (FAPE) to students with disabilities in each of the above scenarios?

A1: According to the U.S. Department of Education (March 2020), "if an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that *students with disabilities also have equal access to the same opportunities, including the provision of FAPE.*" Schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP or 504 Plan.

Q2: Are procedures for transitioning from Remote Learning Plans to IEPs needed?

A2: When schools reopen for the 2020-2021 school year and are no longer under a mandated closure ordered by the Governor, special education and related services must be provided in accordance with current IEPs. The previously implemented Remote Learning Plans provided during the emergency school closures will no longer meet the requirements of IDEA. The IEP Team, including the parent(s)/ guardian, should determine a timeline to convene the IEP Team meeting to assess individual student needs, progress, and/or loss of skills and ultimately determine if the IEP should be revised to reflect appropriate changes to services and supports. These additional services and supports due to the COVID-19 school closures will be referred to as *COVID-19 Recovery Services*.

Q3: Will the IEP Team need to develop a Remote Learning Plan to prepare for a future emergency closure for more than ten consecutive school days?

A3: The IEP Team will develop a Remote Learning Plan to be prepared to implement full remote learning should it be required by the Governor. The development of the Remote Learning Plan should be documented in the Prior Written Notice (PWN). This plan would identify any services and accommodations that are possible during mandated remote learning. This agreed-upon plan will automatically become effective in this required scenario. The Remote Learning Plan needs to provide meaningful benefit and FAPE to the maximum extent possible. Upon return to in-person and/or blended instruction, the IEP Team will consider COVID-19 Recovery Services as necessary.

Q4: How do compensatory services and COVID-19 Recovery Services differ?

A4: According to the United States Department of Education's COVID-19-related guidance, schools must make a case-by-case determination whether and to what extent compensatory services may be needed to make up for any regression or skills lost during COVID-19 school closures. The IEP Team's focus when considering compensatory services should be to review present levels of performance (pre- and post-COVID) and examining student progress toward IEP goals. The next step is evaluating, revising, adding and increasing IEP services of special education and related services to ensure that each student receives meaningful benefit to make appropriate progress. To make the distinction between compensatory education services and additional services needed to make up for skills lost during COVID-19 school closures, West Virginia will refer to the latter as COVID-19 Recovery Services. COVID-19 Recovery Services may be required to address the regression or loss of skills due to the extended school closures and disruptions to in-

person instruction and circumstances caused by the pandemic and beyond the control of the school systems. The provision of COVID-19 Recovery Services should be considered on an individualized basis since some students may not have experienced a regression of skills or may be able to recover them in an appropriate amount of time.

Q5: How will Logan County address evaluations that were not able to be completed face-to-face during the forced school closures and plan for future evaluations to be completed within timelines?

A5: The IDEA regulations have not been waived during remote learning. The district will contact the parent(s)/guardian to determine a realistic and meaningful timeline for the completion of the evaluations. We will continue the assessment process through Telehealth or face-to-face testing with appropriate safety precautions. Please see attached disclaimer, screener, and safety procedures.

Q6: What is the process when a student with an IEP applies to participate in the virtual learning option in Logan County Schools?

A6: When a student with an IEP applies to participate in the virtual learning option, the IEP Team will meet to review the student's IEP in full and consider the appropriateness of virtual instruction options relevant to the special education and related services needs of the student. If the IEP Team determines virtual courses or a full virtual instruction program will not provide FAPE or meaningful benefit for the student to make appropriate progress, the IEP Team must determine appropriate placement options in the Least Restrictive Environment (LRE). PWN must reflect the decisions of the IEP Team. Students with special needs may be provided virtual learning through an alternative curriculum as deemed most appropriate by the IEP Team.

Q7: What If the parent(s)/guardian disagrees with the IEP Team's decision regarding a virtual instruction program?

A7: A Facilitated IEP Team meeting can be requested if mutually agreed upon by the parent(s)/ guardian and the district to attempt to gain agreement on an appropriate IEP that will provide FAPE and meaningful benefit that will allow the student to make appropriate progress. If this is not a successful option, the dispute resolution process provides additional options. (I.e., mediation, state complaint or due process hearing).

Q8: How are related services provided when a student participates in a virtual instruction?

A8: The IEP Team determines the special education and related services a student will need to make appropriate progress towards IEP goals. The team will also determine the most appropriate setting for related services to continue.