

MD State Dept. of Ed. Fact Sheet on FAPE During School Closures, March 30, 2020

On March 30, 2020, MSDE issued a fact sheet based on federal guidance. We have created the below summary:

✚ Providing FAPE:

- ❖ **The national health crisis “does not abridge the rights of students with disabilities to a Free Appropriate Public Education (FAPE) and equal opportunity to educational services as their non-disabled peers,”** as required by federal law.
- ❖ School districts **must “ensure educational benefit to each student”** when using remote learning.
- ❖ In order to determine what “equitable access to instruction” means for your child, the district must first consider how accommodations and modifications in your child’s IEP are provided in their physical classroom setting and then what this would look like in a virtual environment. **Additional supports, such as individualized telephone or video conferencing should be used when possible.**

✚ Providing Services and Accommodations

- ❖ **An IEP team does not have to meet to determine how services will be provided during school closures.** The parent and the school can agree how services will be provided without a meeting. Based upon that agreement, the team must develop a separate written document that amends the IEP, or if requested by the parent, provide them with an amended IEP.
- ❖ **If there is a disagreement** between the parents and the district about how or if a service or accommodation can be provided during the school closure, **the IEP team must meet by teleconference or other means** to determine how to address the student’s needs.

✚ **Compensatory Education:** Once schools reopen, the IEP team for **each student** must determine whether, and to what extent, compensatory services are needed when there is a **decline in the student’s skills, or lack of progress in the general education curriculum or on the IEP goals during the extended school closure.**

✚ **IEP timelines:** Timelines for evaluations, reevaluations and the annual IEP review **cannot be extended** if the team has the data needed and/or evaluation and reevaluations don’t require face to face meeting or observations. If the team members do not have access to the data needed to make decisions, the annual review must be delayed until school reopens.

✚ **Nonpublic Placements:** Equitable access to instruction is still required for students placed in nonpublic separate special education schools

✚ **Infants and Toddlers:** If the Infant and Toddlers office is closed, services **do not need to be provided** but the state **strongly encourages** Infant and Toddlers programs to continue service delivery by alternate means. IFSP teams must meet under to determine if changes are needed to the IFSP and to determine whether compensatory services are needed to address the infant’s or toddler’s developmental delay.