

# COVID-19 FREQUENTLY ASKED QUESTIONS FOR SCHOOLS AND DISTRICTS REGARDING SPECIAL EDUCATION

(Revised August 27, 2020)

The Department of Elementary and Secondary Education (hereafter “Department”) continues to provide new information and updates on Fall 2020 School Reopening as well as specific information and updates related to special education related to the COVID-19 pandemic. This edition of the COVID-19 Frequently Asked Questions for Schools and District Regarding Special Education (FAQ) includes some new questions and answers, as well as updates to questions released in the May 15, 2020 FAQ. This FAQ notes if the responses included are *unchanged*, *revised*, or *new*.

For all information specific to Special Education and the COVID-19 pandemic, please see the Department’s [COVID-19 Information and Resources for Special Educators](#) webpage.

Schools and districts are currently preparing for the start of the new school year. Over the course of the last several weeks, the Department has released multiple guidance documents intended to help schools and districts support in-person and remote learning and to plan for a safe return to school buildings for the 2020-2021 school year. The guidance documents below provide additional information on some of the special education topics referenced in this FAQ. The Guidance on Summer 2020 Special Ed Services document below contains the most comprehensive information for students with disabilities on personal protective equipment, safety protocols, and training and should continue to be used for reference.

- [Comprehensive Special Education Guidance for the 2020-21 School Year Memo](#)
- [Guidance on Summer 2020 Special Ed Services](#)

The guidance *may be revised* as the Department continues to monitor COVID-19 trends and the latest medical research.<sup>1</sup>

## ***Special Education, Related Services, and Models of Learning***

### ***Q: How will schools and districts provide special education and related services to students with IEPs as schools reopen during this period of public health crisis from COVID-19? (NEW QUESTION)***

As schools reopen, schools and districts must continue to provide a free and appropriate public education (FAPE) to students with Individualized Education Programs (IEPs) consistent with the need to protect the health and safety of students and staff. Students with IEPs must receive all services documented in their IEPs even if services are being delivered in a different service model (i.e., modified in-person, hybrid or remote). The Department has recommended that certain categories of students be prioritized for in-person instruction even if schools and districts are operating in a hybrid or remote model. Specifically, preschool-age students with IEPs and

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<sup>1</sup> For all of the Department’s COVID-19 information and resources, go to <http://www.doe.mass.edu/covid19/>.

students with disabilities who have been prioritized for in-person instruction should receive in-person instruction to the greatest extent feasible.

***Q: How will schools and districts provide special education and related services to students with IEPs during periods when a school or district is providing instruction in a hybrid or remote model because of COVID-19? (REVISED QUESTION AND ANSWER)***

Even if schools or districts are operating in a hybrid or remote model, educators and administrators must make every effort to continue to provide up to full-time in person instruction for students with disabilities, particularly preschool-aged students and those with who have been prioritized for in-person instruction. If in-person instruction cannot be provided, students must receive special education instruction and related services necessary to provide FAPE through an Instruction and Services model of delivery (e.g., structured lessons, tele-therapy, video-based lessons, etc.).

For school year 2020-2021, remote special education services must include the following components:

- A regular and consistent schedule of classes, interventions, services, and therapies as required by the student's IEP, offered synchronously and/or asynchronously;
- Structured learning time designed so that the student can access state standards; and
- Frequent interactions with teachers and other staff members to ensure participation and engagement.

The consistent schedule of classes, interventions, services, and therapies must include time interacting directly with teachers and related service providers on a regular basis, as well as some independent work time, as appropriate, and opportunities for interacting with classmates. Synchronous remote lessons or tele-therapy sessions can be provided via telephone or video conferencing. Students might also benefit from asynchronous pre-recorded videos of lessons to follow at home. For students receiving the majority of their daily instruction through special education, teachers and therapists should assign supplemental work (beyond lessons taught synchronously or asynchronously) during the school day that can be accomplished independently with guidance from and accountability to the teacher or therapist. For more detailed information, please see the [Comprehensive Guidance on Fall 2020 Special Education Services](#). For guidance and resources on educating all students, please see the Department's [Teaching & Learning During COVID-19 webpage](#); and for specific resources on educating students with IEPs, please see [Additional Resources for Supporting Students with Disabilities for All Educators and Providers](#).

***Q: How often should schools and districts communicate with parents/guardians during the 2020-2021 school year? (REVISED QUESTION AND ANSWER)***

The Department strongly recommends that schools and districts cultivate excellent two-way communication with families. Schools and districts should ensure that appropriate staff (e.g., classroom teacher, special education teacher, or other service provider) communicate regularly with parents/guardians. The frequency and type of communication will vary depending on the child's individual needs, the availability of the Team member, and the mode of communication.

The Department recommends that school and district personnel document their communication with families. Communication can include direct conversations, office hours, emails, texts, and webinars for parents/guardians. The communication should be in the primary language of the home, using interpreters and translating documents, when appropriate.

***Q: How can schools and districts complete the special education initial eligibility process if they cannot complete a face-to-face assessment? (NEW QUESTION)***

Schools and districts are encouraged to consider any and all evaluation information that is already available, and conduct additional assessments that are needed, as appropriate, for the child under consideration for special education eligibility.

Schools and districts should make a decision regarding the feasibility of completing the eligibility determination process on an individual basis. Professionals should use their best judgment in determining whether the existing data review provides sufficient information for some aspects of a student's evaluation and, if not sufficient, developing a plan for completing all special education assessments in-person or remotely.

Based on professional judgment, it may be determined that a special education assessment or parts of an assessment may be conducted remotely. Factors involved in professional judgment and supporting a determination as to whether a special education assessment can be conducted remotely include:

- Referring to guidance of the relevant professional organization(s) of the particular evaluator conducting the assessment at the state or national level.
- Consulting the assessment's publisher regarding technical/interpretive guidelines for remote administration.
- Relying on evaluators as to whether an entire assessment or parts of an assessment may be conducted remotely.
- Taking into consideration current knowledge and circumstances of the student and making individualized decisions.
- Consulting with the special education administrator.
- Considering the use of alternative assessment tools to assess all areas of suspected disability.
- Continuing to monitor for developments in the manner assessments can be conducted remotely and, as developments emerge, revisit earlier decisions not to assess, as appropriate.

***Q: How can schools and districts notify and document the implementation of a student's IEP if the delivery of services is different than described in the student's IEP (i.e., in circumstances where the school or district is providing services through an in-person, remote, or hybrid learning model that may look different than traditionally delivered due to COVID-19)? (REVISED QUESTION AND ANSWER)***

Teachers or IEP liaisons should contact students' parents/guardians as soon as possible to discuss how a given student's IEP service will be delivered if different than described in the student's IEP, due to the COVID-19 pandemic. Using input from that discussion, teachers or liaisons must provide parents/guardians with written documentation containing specific information about how IEP services will be delivered promptly at the start of the 2020-2021 school year. Examples of written documentation include the use of an N1, DESE's sample "[COVID-19 Special Education Learning Plan](#)", letter, or other means of written communication. Translations of this resource will be made available to schools and districts on DESE's website.

This documentation should include how and where specialized services are being provided. If the remote model or remote portion of the hybrid model are being employed, this documentation should also include when the specialized services are being provided in remote. This documentation should be dated to reflect when services began. If plans change, revision dates should be added to the plan. This written documentation does not constitute an IEP amendment, and students retain stay-put rights through their IEP. Though parental consent is not required to implement the modified in-person, hybrid, or remote special education services plan, it is recommended for schools and districts to keep families informed of any changes in service delivery. Schools and districts can deliver written notification to families in multiple ways, e.g., U.S. mail, email, student information systems, or online communication platforms. Each communication should be in the primary language of the home, using interpreters and translating documents, when appropriate.

***Q: What types of services can be provided remotely? (UNCHANGED QUESTION)***

The U.S. Department of Education (USED) has stated that the IDEA does not mandate specific methodologies. Where technology itself imposes a barrier to access or where educational materials simply are not available in an accessible format, educators may still meet their legal obligations by providing children with IEPs equally effective alternate access to the curriculum or services provided to other students. For example, if a teacher who has a blind student in her class is working from home and cannot distribute a document accessible to that student, she can distribute to the rest of the class an inaccessible document and, if appropriate for the student, read the document over the phone to the blind student or provide the blind student with an audio recording of a reading of the document aloud. The Department encourages parents/guardians, educators, and administrators to collaborate creatively to continue to meet the needs of students with IEPs. Consider practices such as distance instruction, tele-therapy and tele-intervention, meetings held on digital platforms, online options for data tracking, and documentation.

***Q: How can related services be provided during the suspension of in-person education? (REVISED ANSWER)***

Related services can be provided remotely to students in accordance with the guidelines of their respective professional boards. Schools and districts should document the provision of related services in their written notification to parents. This communication should be in the primary language of the home, using interpreters and translating documents, when appropriate.

***Q: If a school or district chooses a hybrid or remote model, how does this impact special education students who receive services in community-based settings and students who participate in inclusive concurrent enrollment programs at institutions of higher education? (REVISED QUESTION AND ANSWER)***

Although in-person participation in community-based programs and inclusive [concurrent enrollment programs at institutions of higher education](#) may be limited at this time, schools and districts should make best efforts to develop plans collaboratively with community-based providers, colleges, parents/guardians, and students in order to allow students access to as much programming as possible during COVID-19. Current health and safety requirements must remain a priority when making decisions about the extent to which transition services may be provided in the community. However, it is highly recommended that in-person transition services resume as soon as it is safe to do so with the proper health and safety measures in place.

***Q: What must schools and districts do to fulfill their responsibilities under IDEA equitable services? (REVISED QUESTION AND ANSWER)***

[IDEA equitable services](#) requirements have not changed. Schools and districts remain responsible for all IDEA equitable services requirements, irrespective of whether the school or district is implementing an in-person, remote, or hybrid model of instruction and service delivery. Schools and districts should continue to engage in meaningful consultation with approved special education private school representatives and parents/guardians of parentally-placed private school students with disabilities, including parents/guardians of homeschool students, and include as part of consultation what, if any, changes in service delivery may be implemented in the new school year based on the instructional and service delivery model(s) implemented by the school or district. Consultation with the parents/guardians should be in the primary language of the home, using interpreters and translating documents, when appropriate. If changes are made to students' service delivery, schools and districts must include those changes in the service plans developed in collaboration with students' parents/guardians. As part of consultation, schools and districts should also discuss whether any unspent FY 20 funds will be carried over into FY 21.

***Q: Should a school or district continue to provide in-person services to students with disabilities that have been prioritized for in-person instruction if their districts have received a designation of "red" based on cases per 100,000? (NEW QUESTION)***

If a district receives a red designation for a high average daily case rate in the [Department of Public Health's weekly update](#), the decision to continue to provide in-person instruction to vulnerable students (including those with disabilities, English learners, and students who have not engaged with remote learning) needs to be made at the local level. Solely receiving a red designation does not in any way automatically mean that all in-person services have to be discontinued. In fact, DESE recommends that districts continue to provide as much in-person instruction as possible to vulnerable students using the key safety protocols outlined in our [reopening guidance](#) ([download](#)).

***Q: Will all students with IEPs be eligible for compensatory services because of the disruption of in-person instruction and service delivery from March 17 until the end of the 2020-2021 school year? (NEW QUESTION)***

Whether a student is entitled to receive compensatory services because of the suspension of in-person instruction in the spring due to COVID-19, is a fact-specific and individualized determination to be made by the IEP Team. The Department has issued guidance on this topic. For more information, see [Coronavirus \(COVID-19\) Special Education Technical Assistance Advisory 2021-1](#).

***Q: If a student is presenting with behavior that requires them to be physically restrained and a staff member must restrain the student, should the student continue to wear a mask? (NEW QUESTION)***

Schools and districts are required to implement preventive and proactive behavioral supports and interventions to prevent the need for a physical restraint. The Department maintains a commitment to the reduction of physical restraint in schools and reminds schools and districts that all relevant regulatory procedures, as outlined in [603 CMR 46.00](#), must be followed prior to, during, and subsequent to any physical restraint. If a student does need to be physically restrained, a mask should **not** be on the face of the student. If the student was wearing a mask prior to being placed in a physical restraint, the mask should be removed as soon as is practical and safe. Students in physical restraints should not wear masks, regardless of the behaviors they are exhibiting because masks may restrict airflow, preventing staff from effectively monitoring the student's breathing, and the mask might be inhaled or swallowed by the student.

***Q: May homeschool students receive special education services delivered by the school or district, pursuant to the IEP? (NEW QUESTION)***

Yes. Homeschool plans must be reviewed and approved in advance by the school or district, including the special education portion of the plan. Schools and districts are responsible for providing special education services to homeschool students pursuant to the IEP. Services may be provided in-person or through remote learning; communication with families is essential for understanding how services will be provided. This communication should be in the primary language of the home, using interpreters and translating documents, when appropriate.

## ***Educational Resources***

***Q: How can educators and administrators find resources to support remote and hybrid learning? (REVISED ANSWER)***

The Department has created and is continuously updating a spreadsheet with resources for educators and administrators, to assist them in their work with students and families. This [spreadsheet](#) can be found on the COVID-19 [resources page](#) of the Office of Special Education Planning and Policy Development (SEPP).

In addition, the Department provides information regarding special education guidance on the special education [webpage](#). Other guidance issued by the Department can be found on the [COVID-19 Guidance/On the Desktop Messages](#) webpage. Nationally, USED has designated

the [National Center for Systemic Instruction \(NCSI\)](#) as a resource hub for remotely-provided special education services and supports. NCSI's [resource library](#) has been specifically created to share instructional resources and service delivery solutions.

## ***Monitoring Student Progress***

### ***Q: How can student progress be monitored during hybrid or remote learning? (REVISED QUESTION AND ANSWER)***

Educators, service providers, parents/guardians, and students should review a student's IEP to review the goals and objectives and identify the types of data that can be collected from the student, the family, and the home environment and develop a plan to collect ongoing data. Using the [basic tenets of progress monitoring](#), school staff can reimagine their roles in a remote context, e.g., by using a tracking sheet to collect data from student videos, by interviewing parents/guardians and students, or by using assessments.

There are many resources to aid in this work, for example:

- [The Texas Education Agency Phase 4 Remote Learning Plan Monitoring](#)
- [Student Progress Monitoring Tool for Data Collection and Graphing](#)
- [Measuring and Reporting Progress Toward Mastery of Annual Goals](#)
- [Data Collection During Distance Learning](#)  
[Using Google Drive to Collect Data for IEP Goals](#)

If parents/guardians are asked to assist with progress monitoring, please consider that some parents/guardians are limited English proficient and may need translations or interpretations to be able to effectively learn how to collect and communicate monitoring data to their school or district liaison.

### ***Q: How does the cancellation of the Spring 2020 administration of the MCAS impact competency determination requirements for students with IEPs who are anticipated to remain in secondary school until their 22<sup>nd</sup> birthday? (REVISED QUESTION AND ANSWER)***

For general guidance on graduation for students with IEPs, please see the Department's 2018 advisory, [Secondary Transition Services and Graduation with a High School Diploma](#). Grade 12 students who were enrolled or received a certificate of attainment in March or End-of-Year SIMS and grade SP students who earned a certificate of attainment in End-of-Year SIMS are eligible to be considered for the modified competency determination (CD) if they have not yet passed one or more of the high school MCAS tests. Districts must certify the successful completion of at least one qualifying course via the 'Competency Determination' application in the DESE Security Portal, per instructions that have been shared with school or district administrators. The Security Portal application will be available through Friday, August 21, 2020. For further information, schools and districts should contact [data@doe.mass.edu](mailto:data@doe.mass.edu) or visit [DESE's related guidance](#).

Schools and districts should also keep in mind that the [MCAS appeals](#) process is still available.

***Q: How does the cancellation of the Spring 2020 administration of the MCAS impact competency requirements for students with IEPs who do not meet the criteria referenced in the previous question? (NEW QUESTION)***

For general guidance on graduation for students with IEPs, please see the Department's 2018 advisory, [Secondary Transition Services and Graduation with a High School Diploma](#). Schools and districts should also keep in mind that the [MCAS appeals](#) process is still available.

## ***IEP Meetings, Timelines, and Other Procedural Requirements***

***Q: Do schools need to make changes to the student's IEP in order to provide services during a hybrid or remote model during the 2020-2021 school year? (REVISED QUESTION AND ANSWER)***

No. It is not necessary to convene an IEP Team before providing learning opportunities and services to students with IEPs if a school or district is using a hybrid or remote model at the beginning of the school year. Additionally, it is not necessary to amend the IEP for the purpose of delivering hybrid or remote services. Please see the *Special Education, Related Services, and Models of Learning* section above for the Department's recommendation for written documentation of modified in-person, hybrid, or remote instruction.

***Q: What should schools and districts do if a family does not respond to outreach or refuses services? (REVISED ANSWER)***

Schools and districts should make repeated and varied attempts to reach out and engage families. In these cases, schools and districts should document all attempts to engage with families. All communication should be in the primary language of the home, using interpreters and translating documents, when appropriate.

If a parent/guardian does not accept services for their son/daughter, the school or district should ask that the parent/guardian document this refusal in writing. If the parent/guardian does not submit anything in writing, the school or district should also document a summary of the conversation or issue a letter summarizing the conversation to ensure clear communication.

***Q: Can the Department offer flexibility to schools and districts on meeting procedural timelines? (REVISED ANSWER)***

On April 27, 2020, U.S. Secretary of Education DeVos issued a report to Congress, declining to recommend waivers to the core tenets of the Individuals with Disabilities Education Act (IDEA). This means that IDEA procedural timelines remain in effect. The Department has issued guidance to schools and districts on this topic. For more information, see [COVID Special Education Technical Advisory 2020-2](#).



***Q: A student's IEP expired during the period when in-person instruction was suspended. Will the IEP still be in effect? (UNCHANGED QUESTION)***

Yes. The current IEP will remain in effect until a new IEP is developed and accepted, irrespective of the expired date reflected in the IEP form.

***Q: If the annual review of a student's IEP is due, or if an IEP Team determines an IEP meeting is needed, how should the district hold the meeting if an in-person meeting is not possible? (REVISED QUESTION AND ANSWER)***

[IDEA regulations](#) contemplate that IEP meetings may be held via telephone and/or video conference. Districts should continue to convene IEP Team meetings using these alternative means of meeting participation, if necessary. To convene an IEP meeting using telephone or video conferencing, districts must ensure that all IEP Team members, particularly those whose participation is required under IDEA, have access to necessary technology and accommodations to allow remote participation. Rather than using personal telephone lines or cell phones, school and district personnel may choose to use a third-party platform. For limited English proficient parents, districts must also ensure that interpreters are provided for IEP Team meetings and translate documents, when appropriate.

If [required members of the IEP Team](#) are unable to attend, IDEA regulations provide that Team members can be excused with agreement from the family, if:

1. The district and the family agree, in writing, that the attendance of the Team member is not necessary because the member's area of the curriculum or related services is not being modified or discussed; or
2. The district and the family agree, in writing, to excuse a required Team member's participation and the excused member provides written input into the development of the IEP to the family and the IEP Team prior to the meeting.

***Q: Should schools continue to issue student Progress Reports? (REVISED ANSWER)***

Yes. Schools, districts, collaborative programs, and approved special education schools must continue to issue student Progress Reports at least as often as report cards or progress reports are provided for students without disabilities in accordance with [603 CMR 28.07](#)(3). Progress Reports can be sent to families in multiple ways, e.g., U.S. mail, email, student information systems, or online communication platforms, and must be translated for families if necessary.

***Q: Should schools continue to maintain student health records? (UNCHANGED QUESTION)***

Yes. Even though not all schools maintain electronic health records, schools should continue to maintain nursing documentation per the Department of Public Health (DPH). Records can be maintained through paper logs and/or by entering calls into the Student Information Management System (SIMS). DPH understands that it may not be possible for nurses to transfer all paper logs into electronic systems and encourages retaining all paper logs.

***Q: Should schools continue to submit Chapter 688 referrals for secondary students with severe disabilities? (REVISED ANSWER)***

Yes. Schools must continue to submit [Chapter 688](#) referrals via the [Virtual Gateway](#). These referrals are essential so that adult agencies (Department of Developmental Services, Massachusetts Rehabilitation Commissioner, Department of Mental Health, Massachusetts Commission for the Blind, Department of Children and Families, and Massachusetts Commission for the Deaf and Hard or Hearing) can request the appropriate amount of funding from the legislature to serve students with IEPs who will turn 22 and are eligible for adult agency services. 688 referrals should be completed by the district two years before the student's anticipated date of exit, but even late referrals are useful.

Districts should submit with the referral form, at a minimum, the student's most recent IEP and three-year evaluation. Parent consent during this emergency can be in the form of wet signature or e-signature, email, or verbal consent documented in district staff notes. Questions about 688 filing or referral should be sent to: Kathy Stern, Bureau of Transition Planning, 857-352-1741 or [kathleen.stern@mass.gov](mailto:kathleen.stern@mass.gov).

## ***Out-of-District Placements and Approved Special Education Schools and Programs***

***Q: How can residential programs for students with IEPs maintain health and safety during the COVID-19 outbreak? (REVISED ANSWER)***

The health and safety of the students and employees in residential schools is of utmost concern during the COVID-19 pandemic. The Executive Office of Health and Human Services (EOHHS) issued [guidance](#), most recently updated on April 14, 2020, addressing the specific procedures and protocols for residential, congregate care, and shelter providers. This guidance includes background on COVID-19, protective measures, ways to mitigate the risk of spreading COVID-19, cases and suspected cases in residents or employees, and information on testing, reporting COVID-19 cases, providing care to residents, personal protective equipment, deep cleaning, and monitoring the emotional health of employees. [EOHHS](#) will update this guidance as needed.

## ***State and Federal Monitoring and Assistance***

***Q: Will data submission timelines be enforced for Tiered Focused Monitoring activities and State Performance Plan/Annual Performance Report indicators? (REVISED ANSWER)***

### ***Tiered Focused Monitoring***

Due date for submission of the Public School Tiered Focused Monitoring self-assessments and Indicator data has been extended to **October 30, 2020**:

- Special education self-assessment
- Civil rights self-assessment
- English learner education self-assessment
- Indicator data submission for Indicators 11, 12 & 13

Contact Tim Gallagher at 781-338-3717 or [Timothy.Gallagher2@mass.gov](mailto:Timothy.Gallagher2@mass.gov) with questions related to the special education self-assessment, civil rights self-assessment and Indicator data submission. Contact Sibel Hughes at [Sibel.Hughes@mass.gov](mailto:Sibel.Hughes@mass.gov) or 781-338-3569 with questions related to the English learner education self-assessment.

### ***Indicator 7***

See section on Early Childhood Special Education Services section for more information.

### ***Indicator 14***

Deadlines for Indicator 14 data submission have changed this year. The **submission date is November 16, 2020**. Schools and districts in [Cohort 2](#) will use an online survey to learn about the further education and employment outcomes of their former students with IEPs. In July, the Department emailed all Cohort 2 special education administrators with detailed instructions for this year's Indicator 14 data collection. For additional information, please contact Amanda Green at 781-338-3368 or [Amanda.C.Green@mass.gov](mailto:Amanda.C.Green@mass.gov).

***Q: Will data submission timelines be enforced for program and mid-cycle reviews for collaboratives and approved special education day and residential programs in WBMS? (UNCHANGED)***

Self-assessments for the 2020-2021 WBMS data submission for collaboratives and approved special education day and residential programs **are due on August 24, 2020**. Please contact Jannelle Roberts at: [Jannelle.K.Roberts@mass.gov](mailto:Jannelle.K.Roberts@mass.gov) with questions or to discuss the individual circumstances of your collaborative or approved special education school if an extension is necessary.

***Q: Given the COVID-19 situation, can the period of availability for IDEA Part B grant funds be extended? (REVISED QUESTION AND ANSWER)***

The U.S. Department of Education has approved Massachusetts' waiver request for the extension to obligate IDEA FY19 funds. This means that FY19 IDEA funds (fund codes 240 & 262) set to expire on September 30, 2020 can now be used until **September 30, 2021**. If a school or district has any unexpended FY19 fund code 240 & fund code 262 funds, the Department urges the school or district to continue to spend down these funds first. If the district still has unexpended FY19 funds and would like to continue to use the funds until September 30, 2021, the Department's Grants Management Office will automatically handle the obligation period adjustments for the school or district. Schools and districts do not need to take any extra steps to secure this additional time. Schools and districts may contact the Federal Grant Programs office with any questions at [federalgrantprograms@doe.mass.edu](mailto:federalgrantprograms@doe.mass.edu).

***Q: With the extended period of availability of funds, can the district have a second year (until September 30, 2021) to carry over any unspent FY19 proportionate share funds? (NEW QUESTION)***

The extended period of availability of FY19 funds does not change the spending requirements and time frame in IDEA regarding the expenditure of a proportionate share of a district's IDEA Part B funds on equitable services for parentally placed private school students with disabilities attending a private school located in the district, or eligible homeschool students. The district's equitable services obligation must be spent in the year in which funds were appropriated or obligated during a carry-over period of one additional year. See [34 C.F.R. § 133\(a\)\(3\)](#).

### ***Bureau of Special Education Appeals (BSEA) Information***

***Q: How should schools and districts communicate with and send documents to the BSEA? (REVISED ANSWER)***

During the COVID-19 crisis, the BSEA is maintaining minimal staff onsite. Therefore, administrative tasks that are not governed by timelines may take longer to fulfill (e.g., processing rejected IEPs). With regard to notice of rejected IEPs, if mailing or faxing documents is not feasible, notice of rejected IEPs can now be sent via email to BSEA at [BSEArejectedIEPs@mass.gov](mailto:BSEArejectedIEPs@mass.gov). By contrast, hearing requests must still be faxed or sent via U.S. mail.

Consistent with [BSEA Standing Order 20-02C](#), to ensure timely receipt of submissions during the COVID-19 pandemic, Hearing Officers and Mediators may permit the submission of correspondence and documents electronically, in addition to paper filing (via fax or regular mail). Electronic submissions to BSEA must be simultaneously copied to all other parties. All hearing requests must be submitted via mail, fax, or hand delivery.

***Q: Can parties obtain an extension of due process hearing timelines? (UNCHANGED QUESTION)***

While the IDEA provides that a final decision on a due process complaint must be issued not later than 45 days after the expiration of the 30-day resolution period, a hearing officer can grant an extension of time beyond the required timelines at the request of either party for good cause. The COVID-19 emergency does not per se constitute good cause; the hearing officer will make a case by case determination on requests for extension including considerations that may be COVID-19 related.

***Q: Are BSEA proceedings, including mediations, occurring remotely or in person? (REVISED ANSWER)***

Effective March 15, 2020, and consistent with [BSEA Standing Order 20-01C](#), the BSEA is conducting all proceedings remotely/virtually until further notice. This includes mediations, facilitated IEP meetings, settlement conferences, pre-hearing conferences, and hearings. The BSEA will contact parties as the date of the scheduled proceeding approaches to make

necessary arrangements. Any request for change of date, location, or medium for holding due process hearings will continue to be considered on a case by case basis by the hearing officer.

## ***Early Childhood Special Education (ECSE)***

***Q: Do schools and districts need to complete developmental screenings as outlined in [603 CMR 28.03\(1\)\(d\)](#)? (NEW QUESTION)***

Yes. Schools and districts are required to complete Preschool Screenings for three and four-year-old children and for all children who are of age to enter kindergarten. Such screening shall be designed to review a child's development and to assist in identification of those children who should be referred for an evaluation to determine eligibility for special education services. The Department recognizes that schools and districts are conducting virtual interviews with families and caregivers to begin gathering information until in-person screening can occur, using current health and safety requirements.

***Q: Is there any specific guidance for submission of Child Outcome Summary (COS)/Indicator 7 data? (REVISED ANSWER)***

Data collection schedules and school or district cohort assignments are unchanged for Indicator 7/Early Childhood COS. Data for the COS will continue to be collected using the [data collection schedule](#) and [cohort assignments](#). Schools and districts responsible for submitting COS data can expect to receive a letter by early October with information regarding data collection, timelines, and resources.

As schools and districts are implementing their reopening plans, special education services and supports to students, ECSE programs can continue to report on each child's outcomes for the COS. Meetings with team members to discuss progress and outcomes should be included in the planning process.

Additional resources for ECSE:

- [Remote service delivery](#)
- [Families of young children with disabilities](#)

Below are links to additional resources regarding special education and remote learning that may be helpful.

- [Guidance from the Department on remote learning](#)
- [Guidance from the Department regarding special education](#)

If you have concerns about the submission, please contact both Martha Daigle at [Martha.S.Daigle@mass.gov](mailto:Martha.S.Daigle@mass.gov) and Carla Corina at [corina.eval@outlook.com](mailto:corina.eval@outlook.com) to discuss individual circumstances.

***Q: Will districts continue to receive referrals to Early Childhood Special Education (ECSE)? (UNCHANGED QUESTION)***

Yes, districts should continue to accept referrals from families, caregivers, and Early Intervention (EI) programs, in accordance with Child Find requirements. EI programs will refer all children who are potentially eligible for ECSE and who will be turning 3. EI regulations require the EI program to make referrals at least 90 days before the child's third birthday.

***Q: Do districts need to complete the eligibility process for children referred from EI? (REVISED ANSWER)***

Districts must accept and act on referrals from EI providers. This includes attending the virtual Transition Planning Conference (TPC), reviewing existing and EI assessments, and conducting an evaluation of the child to determine if the child is eligible for special education services.

For districts that were unable to complete the eligibility process without a face-to-face assessment, an extension of EI services was made available for children who turned 3 between March 15, 2020 and August 31, 2020. For those students, EI services can continue until special education eligibility determination can be completed and the child has transitioned to special education, or until October 15, 2020. Because many districts may have been unable to conduct evaluations, convene IEP meetings, and initiate services by the child's third birthday, and children may have been supported through this extension of EI services, districts can expect an increased number of children for whom they need to complete the eligibility determination process and an increased number of children needing special education services. District leaders should be prepared to complete the transition process, have completed assessments, and an IEP signed for this group of students by October 15, 2020.

***Q: How can schools and districts complete the eligibility process for young children if they cannot complete a face-to-face assessment? (REVISED QUESTION AND ANSWER)***

Schools and districts are encouraged to consider any and all evaluation information that is already available, and conduct additional assessments that are needed, as appropriate for the child under consideration. Schools and districts should make a decision regarding the feasibility of completing the eligibility determination process on an individual basis. Use the following guide for each child to determine if the eligibility process can be completed. See above for further guidance related to assessments.

For some young children, face-to-face assessments will be necessary to determine eligibility. If assessments cannot be completed, and the child has been identified as potentially eligible for ECSE by Early Intervention providers, the following special considerations should be discussed with families:

- Provide learning opportunities in general education preschool, if available.
- Consult with Regional Consultation Program (RCP) specialists to provide resources to families and/or schools and districts.
- Connect with Coordinated Family and Community Engagement (CFCE) grantees for families to receive supports and remote playgroup opportunities.
- Collaborate with local EI programs on how to support the transition. With concurrence from the family, EI programs may complete additional assessments that may facilitate

the process for determining eligibility. The EI program may request a waiver from the DPH to support and prepare the family for the transition. The waiver is not intended for the continuation of Individuals Family Service Plan (IFSP) services after the child's third birthday.

***Q: What are the service options for children who are transitioning from EI to ECSE? (REVISED ANSWER)***

After eligibility is determined, there are options for the provision of services.

1. IEP teams can decide to:
  - Continue the IFSP for one year after the child is found eligible for ECSE. Services are considered Part B services and are provided by local schools and districts.
  - Contract with EI providers to provide services and to support EC transition.
2. Write an IEP
  - Your staff can provide services, or
  - District, and EI staff can collaboratively provide services to support EC transition.
3. Write a partial IEP and conduct an extended evaluation.

Additional resources are available from the Early Childhood Technical Assistance Center (ECTA), including [information about eligibility determinations and transitions](#).

## ***Strategies for Engaging Families***

***Q: In what ways is family engagement important to focus on at this time? (UNCHANGED QUESTION)***

Family engagement is crucial for the healthy growth of children and youth. Quality family engagement has a lasting effect on a child's social-emotional health as well as school readiness and academic success.

Research shows that families want their children to do well and that they believe school is important. Partnering with families improves students' grades and motivation, helps student academic achievement. Partnering with families also helps teachers learn more about students' needs, which is information they can apply toward better meeting those needs. Engaging families can be done through phone calls, emails, texts and web-based activities.

***Q: What should we focus on to strengthen family engagement as schools reopen? (REVISED ANSWER)***

One of the first steps is to build partnerships with families. It will be important to continue to build and strengthen your relationships with families during the school reopening process. Building relationships encourages fundamental practices that include but are not limited to:

- Recognizing and respecting the uniqueness of each family,
- Keeping families and youth voices and perspectives at the center, and

- Planning and implementing activities with families and youth and not for families and youth.

***Q: How do we build a partnership with families? (UNCHANGED QUESTION)***

- Talk with families using clear language.
- Communicate in the primary language of the home, using interpreters and translating documents, when appropriate.
- Make sure to limit educational jargon and consider the translation needs of the family.
- Be honest in your conversation. If you do not know an answer to a question, you can let the family know that you will get back to them.
  - Be sure to follow up with the family.
- Discuss concerns and offer suggestions, supports and resources.
- Plan next steps together.

***Q: What are strategies we can use to build relationships with families during the school reopening process? (REVISED QUESTION AND ANSWER)***

Schools and community organizations play a crucial role in establishing and strengthening shared connections with families. The Department has developed [STRENGTHENING PARTNERSHIPS: A Framework for Prenatal through Young Adulthood Family Engagement in Massachusetts](#). Five Guiding Principles form the basis of this Framework and provide a foundation for creating, within systems and organizations, a culture that values and thrives on family engagement.

- Each family is unique, and all families represent diverse structures.
- Acknowledging and accepting the need to engage all families is essential for successful engagement of diverse families and includes recognizing the strengths that come from their diverse backgrounds.
- Building a respectful, trusting, and reciprocal relationship is a shared responsibility of families, practitioners, organizations, and systems.
- Families are their child's first and best advocate.
- Family engagement must be equitable.

The [Flamboyant Foundation](#) has developed strategies to build relationships and partnerships with families:

- Be Authentic
- Center on the student
- Learn and focus on what is important to the family
- Offer frequent and consistent communication
- Reach out to all families

***Q: Are there resources available to help build relationships with families during the school reopening process? (REVISED QUESTION AND ANSWER)***

There are many resources that provide ideas and strategies for building relationships with families. You can also work with your Special Education Parent Advisory Council (SEPAC) to be



part of the process of strengthening Family Engagement. When building relationships with families, please consider that some parents/guardians are limited English proficient and may need translations or interpretations to be able to effectively engage in this collaborative work.

You may find the following resources helpful now and in the future:

- The [Federation for Children with Special Needs \(FCSN\)](#) provides resources and trainings for families and educators and has focused their work to address the [school reopening process](#)
- [Massachusetts Prenatal through Young Adult Family Engagement Framework](#)
- [Massachusetts Family, School, and Community Partnership Fundamentals \(the Fundamentals\)](#)
- [Family and Community Engagement Requirements of ESSA \(Every Student Succeeds Act\)](#)

### ***Contact Information for the Department***

For general education questions and questions pertaining to general health and safety requirements, please contact the Department at [reopeningk12@mass.gov](mailto:reopeningk12@mass.gov).

For questions pertaining to special education from educators and school or district staff, please contact the Department at [SpecialEducation@doe.mass.edu](mailto:SpecialEducation@doe.mass.edu).

For parents/guardians who have questions regarding circumstances related to their child, please contact the Department at [COVID19k12ParentInfo@mass.gov](mailto:COVID19k12ParentInfo@mass.gov).