



COVID-19 and Special Education: Policy Updates

Advisory Commission on Special Education

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Federal Guidance

- On June 25, 2020, the United States Department Of Education's (USDOE) Office of Special Education Program (OSEP) issued a Question and Answer (Q & A) document in response to inquiries concerning implementation of the Individuals with Disabilities Education Act (IDEA) Part B use of funds in the current COVID-19 environment. The document can be accessed on the USDOE website at <https://sites.ed.gov/idea/files/qa-part-b-use-of-funds-06-25-2020.pdf>.
- On June 26, 2020, the USDOE's OSEP issued a Q & A document in response to inquiries concerning flexibility on IDEA Part B fiscal requirements in the current COVID-19 environment. The document can be accessed on the USDOE website at <https://sites.ed.gov/idea/files/qa-fiscal-flexibilities-idea-part-b-06-26-2020.pdf>.



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Federal Guidance (cont.)

- On June 30, 2020, the USDOE's OSEP issued a Q & A document in response to inquiries concerning implementation of the IDEA Part B procedural safeguards in the current COVID-19 environment. The document can be accessed on the USDOE website at <https://sites.ed.gov/idea/files/qa-procedural-safeguards-idea-part-b-06-30-2020.pdf>.
- On July 6, 2020, the USDOE's OSEP issued a Q & A document in response to inquiries concerning implementation of the **IDEA Part C** evaluation and assessment timelines in the current COVID-19 environment. The document can be accessed on the USDOE website at <https://sites.ed.gov/idea/files/QA-Evaluation-Timeline-Part-C.pdf>.



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OSEP Websites

- To review all of these documents, as well as other Q & A documents that OSEP has provided related to COVID-19, please visit the USDOE's website at <https://sites.ed.gov/idea/topic-areas/#COVID-19>
- In addition, the OSEP has established the following webpage to offer information, tools, and resources to help educators, parents and families, and related service providers meet the educational, behavioral, and emotional needs of children and youth with disabilities through remote and virtual learning: <https://osepideasthatwork.org/continuity-learning-during-covid-19>



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State Guidance

- 2020 Budget Act and Special Education Guidance (Distance Learning & new IEP requirement):
<https://www.cde.ca.gov/sp/se/lr/om071520.asp>
- Senate Bill (SB) 98, Section 66, amends Section 56345 of the California Education Code (EC) to require that individualized education programs (IEPs) include a description of the means by which the IEP will be provided under emergency conditions, as described in EC 46392, in which instruction or services, or both, cannot be provided to the pupil either at the school or in person for more than 10 school days.



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New IEP Requirement

- The description required by EC 56345(a)(9)(A) must be included in the development of each student's initial IEP or addressed during the next regularly scheduled revision of students' IEPs (i.e. annual IEP).
- Public health orders must be taken into account in implementing this requirement.



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Distance Learning

- SB 98, Section 34, includes new requirements for distance learning in the 2020-21 school year.
- *EC 43503(b)* requires that distance learning shall include several components, including:
 - (4) Special education, related services, and any other services required by a pupil's individualized education program pursuant to Section 56341, including the requirements of subparagraph (A) of paragraph (9) of subdivision (a) of Section 56345, with accommodations necessary to ensure that individualized education program can be executed in a distance learning environment.



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Learning Continuity and Attendance Plan

- SB 98, Section 34, in EC 43509(a)(1)(A), requires the governing board of a school district, a county board of education, and the governing body of a charter school to adopt, by September 30, 2020, a learning continuity and attendance plan (LCP) for the 2020-21 school year.
- The LCP must include what additional supports will be provided for pupils with exceptional needs served across the full continuum of placements during the period in which distance learning is provided (*EC 43509(f)(1)(B)(vi)*).



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Learning Loss Mitigation Funding

- SB 98 appropriates funding to support pupil achievement and mitigate learning loss.
- EC 43509(f)(2) specifies that the LCP shall describe how federal and state funding will be used to support the efforts described in the learning continuity and attendance plan, including federal and state funds provided for learning loss mitigation pursuant to Section 110 of SB 98.
- Subsection 110(d) specifies that certain funds shall be used for activities that directly support pupil academic achievement and mitigate learning loss related to COVID-19 school closures.