

## **Iowa Special Education Advisory Panel**

**Date:** July 14, 2020

**Facilitator:** Nancy Hunt

**Panel Secretary:** Celina Turner

**Present:** Jennifer Anderson, Cynthia Blackard, Dawn Bonsall, Heather Brand, Lori Frieden-Janke, Rhonda Haitz, Jessica Iverson, Mary Jackson, Amy Knupp, Pam Litterer, Bryan Paulson, Bryan Sage, Lisa Shaw, Rachel Terry, Karen Thompson, David VanHorn, and Daniel Van Sant

**Department Staff Present:** Barb Guy, Nancy Hunt, and Celina Turner

**Absent:** Jennifer Aldrich, Elizabeth Atkinson, Jodi Bonnett, Polly Brekke, Molly Brookhiser Smeltser, Kate Cole, Todd Coulter, Genevieve Hart, Porsha Hart, Kim Neal, Keri Osterhaus, Sonia Reyes, Tammy Schaapherder, Sandra Smith, and Shannon Tackes

**Presenters:** Barb Guy

### **Handouts and Materials**

- [Agenda](#)
- [Considerations for FAPE](#)
- [FAPE Considerations for Return-to-Learn](#)
- [Return-to-Learn: IDEA Service Delivery Scenarios](#)
- [Iowa Return-to-Learn Support Google Site](#)
- [Return-to-Learn Special Education Google Site](#)
- [COVID-19 Guidance and Information](#)
- [Learners with Special Needs Resources to Support Learning During COVID-19](#)

### **Welcome/Introductions**

The meeting was called to order by Cynthia Blackard at 2:30 p.m.

### **Return-to-Learn and FAPE – Barb Guy**

Barb Guy provided an update to Return-to-Learn guidance from the Iowa Department of Education (Department). She reminded the Panel that there is an ongoing collaboration between the Department and the AEs regarding Return-to-Learn. This collaboration focuses on a wide variety of items, including Required Continuous Learning, Leadership and Infrastructure, Health and Safety, Iowa Academic Standards, Social-Emotional-Behavioral Health, and Special Education.

Barb Guy reviewed the “Compendium Resources for Districts, Schools, and IEP Teams so that Students Receiving Special Education Access, Participate, and Progress in Virtual, Hybrid, and On-site Education Services” document, which was developed by the Special Education Return-to-Learn team and has not been made public. Within this compendium of resources, there are three areas of focus: re-entry, ensuring eligible individuals receive a free appropriate

public education (FAPE), and planning and providing COVID-19 Recovery Services. Resources will be released in August around family collaboration and progress monitoring in regards to FAPE.

Within the focus on re-entry, there are two tasks: (1) identifying supports needed to ensure students receiving special education access, participate, and make progress in the general education curriculum and other needs as the result of the disability and (2) supporting IEP teams in determining FAPE given the respective learning modules. During the beginning of the pandemic, conversations around voluntary enrichment opportunities for students were focused on the access to those opportunities. Now that the beginning of the school year is approaching, the conversations have shifted to the fundamental assumptions within IDEA, which states that school districts must ensure students who are eligible for special education access, participate, and make progress in the general education curriculum and other needs as a result of the child's disability. Within these two tasks are a variety of resources, including technology checklists and considerations for administrators as well as items around FERPA and electronic signatures.

Barb Guy also reviewed the [Considerations for FAPE](#) and [FAPE Considerations for Return-to-Learn](#) documents. Within these documents, the Department has taken the definition of FAPE that appears in IDEA and broken it down into five components, which includes the following:

1. Special Education and Related Services
2. Public Expense, Under Public Supervision and Direction, and Without Charge
3. Standards of the State Educational Agency (SEA)
4. Appropriate Preschool, Elementary School, or Secondary School Education
5. Individualized Education Program (IEP)

In the [FAPE Considerations for Return-to-Learn](#) document, the Department has described how each component applies to continuous (virtual) learning, on-site learning, and hybrid learning environments. Barb Guy reiterated that these documents are premised on the fact that FAPE will look different in each environment based on the unique needs of the child. She also commented that IEP teams have to look to the general education environment as part of the conversation around FAPE. If an elementary school is providing one hour of virtual instruction a day to first grade students, the amount of special education a first grader in that school receives in a continuous (virtual) learning environment will be different than the amount received while in an on-site learning environment.

The Panel broke into small groups to discuss both documents and provide feedback. Rachel Terry commented that a primary concern she's heard from families is what equity looks like for students in continuous (virtual) learning and hybrid learning environments and how this applies to FAPE. Barb Guy responded that the vast majority of students learn better in an on-site learning environment. So, the question then becomes how COVID-19 Recovery Services can be used for students who did not have the same learning environment because it is an issue of equity. Rachel Terry also brought up the issues of assistive technology, technology devices in the home, food and nutrition, daycare, and mental health services as well as issues surrounding families with children in high school where the parents are not able to assist their children with advanced homework questions. Barb Guy responded that this is really an opportunity to make changes to the way things have been done in the past. She stated that a resource will be

released in August that contains supports for teachers who would like to hold a conference call with families prior to an IEP meeting.

Amy Knupp questioned whether there will be different levels of communication to parents and families around FAPE depending on their child's needs. Daniel Van Sant commented on the potential questions parents will have, including whether all three options for learning can exist simultaneously in a district as well as how and when families can choose to switch to another learning environment. He also discussed the questions around screen time and whether families have the bandwidth to handle having each member of the family on a device. He questioned who is going to be responsible for providing training and technical support to students, families, and teachers and what that will look like on an IEP.

Rhonda Haitz commented on the Department's guidance regarding face masks. She stated that her child has complex medical issues; therefore, she does not feel comfortable sending her child to school because she doesn't want to risk the health of her child. Barb Guy responded that the Department has tried to build ways into the Return-to-Learn processes to help families in these situations understand the services they should be receiving at home. Barb Guy also stated that if services at home are not comparable to the services at school, then COVID-19 Recovery Services can be added in once the health of the child allows the child to return to school.

Barb Guy also reviewed the [Special Education Procedures Documentation Guide](#) for IEPs. Beginning July 15, 2020, the Department is requiring IEP teams to plan for what would be needed in a continuous (virtual) or hybrid learning environment by the child's next annual review. The intent of this requirement is to be proactive about the needs of the child in these learning environments as most schools will move in and out of different delivery methods depending on local rates of infection until the end of the pandemic. The Documentation Guide provides guidance questions and prompts for each section of the IEP that IEP teams can consider and discuss. Rhonda Haitz questioned whether parents can request an IEP meeting to discuss these guidance questions and prompts. Barb Guy responded that, yes, parents can request an IEP meeting.

### **Placement Decisions During the COVID-19 Pandemic – Barb Guy**

Barb Guy discussed placement decisions during the pandemic. She stated that there are IEP implications regarding placement and location depending on the method of delivery a school district chooses for its students. If a student on an IEP participates in the same manner as all students, the IEP implication would be a location change, and no additional documentation is needed. If the IEP team determines that the student needs to participate in a manner different from that of all students, the IEP team will need to follow the processes for a change in placement. In this case, additional documentation and a Prior Written Notice are needed. Barb Guy stated that IEP teams should have conversations about what's most appropriate for the unique needs of the child.

Daniel Van Sant questioned the definition of equity. He suggested for the Department to think of equity as what is an equitable outcome rather than an equitable delivery. He commented that many districts believe that if they offer one hour of service to general education students, then they can only offer one hour of service to special education students. Barb Guy responded that the Department needs to be careful not to message its guidance as a one-to-one comparison between general education students and special education students. Thomas Mayes commented that what all students receive is a presumption for students with disabilities, but that

presumption needs to be rebutted based on facts, evidence, and data. That presumption might be the start of the dialogue, but it can't be the end of the dialogue.

### **COVID-19 Recovery Services – Barb Guy**

Barb Guy discussed COVID-19 Recovery Services. Recovery Services are services that are provided in addition to services and supports identified in an eligible individual's IEP or IFSP. They are designed to address skills and content that was not taught, as well as the compounding effects of those skills not being taught. Recovery Services due to COVID-19 are determined on a "no fault" basis as the pandemic was not the fault of any of Iowa's school districts or AEAs. The provision of COVID-19 Recovery Services is not an admission or concession that a public agency violated the IDEA. Barb Guy stated that the Department is proposing that COVID-19 Recovery Services may be provided at any time up to one year following the end of the pandemic. The IEP team can also consider the need for Recovery Services at any time up to one year following the end of the pandemic.

Daniel Van Sant questioned whether COVID-19 Recovery Services will automatically be added on top of a full school day rather than considered as part of the school day. Barb Guy responded that COVID-19 Recovery Services may be provided before or after school, on days the student is not typically in school, or in the summer as needed by the individual. Cynthia Blackard asked how COVID-19 Recovery Services affect students who have aged out at twenty-one years old. Barb Guy clarified that the school year can be extended for these students. The AEA Director of Special Education would need to make the request of the state, and then the state will review the request.

Lori Frieden-Janke asked whether compensatory services and COVID-19 Recovery Services can be provided at the same time. Barb Guy stated that these services are not mutually exclusive; however, it depends on the unique needs of the student.

The Panel broke into small groups to discuss their concerns about COVID-19 Recovery Services and provide feedback to the Department. Jessica Iverson commented that parents and families need to know these services are available and that it's not a use-it-or-lose-it situation. Jennifer Anderson suggested that if parents or families are unable to have their questions answered on the Frequently Asked Questions (FAQ) the Department is developing, the Department should create a place they can go to submit their question. Jennifer Anderson also questioned if there will be additional guidance to help families and educators determine eligibility for COVID-19 Recovery Services. David VanHorn commented that it would be beneficial for other entities, such as ASK Resource or the Family and Educator Partnership (FEP), to help reach out to families to provide this information.

Rhonda Haitz suggested that the Department use one-page fliers to easily disseminate this information on social media. She believes many families will be confused about the differences between extended school year services (ESYS), compensatory services, and COVID-19 Recovery Services. She also suggested that the Department host a webinar to share information and allow families to ask questions. Daniel Van Sant also commented that he's happy to see that the Department has been providing translations for its guidance documents. He suggested that the Department also develop videos and other resources in a variety of languages for families who are English language learners.

Barb Guy noted that every Tuesday from 1:00 p.m. to 2:00 p.m. from July 2020 to mid-August 2020, there will be a weekly webinar hosted by the Department completely focused on special education. The Panel is invited to attend these weekly webinars.

Dawn Bonsall motioned to adjourn the meeting. Rhonda Haitz seconded the motion. Motion approved. Meeting adjourned at 4:30 p.m.

**Next Meeting: September 18, 2020**

**9:00 a.m. – 3:00 p.m.**

**Grimes State Office Building, B100**

**Facilitator:** Nancy Hunt

**Minutes:** Celina Turner