



## COVID-19 Recovery Services for Learners Receiving IDEA Services Frequently Asked Questions (FAQ)

### Q1: What are COVID-19 Recovery Services? **UPDATED 2-8-2021**

COVID-19 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 due to closures related to COVID-19. **The term closures is used here in reference to actual closure in Spring 2020, as well as the disruption of educational services throughout the 2020–2021 school year, including fluctuation in methods of service delivery and effects of quarantining.** Provision of COVID-19 Recovery Services is not an admission or concession that a public agency violated the IDEA. Recovery Services are intended to recoup lost skills or regain progress.

### Q2: How do COVID-19 Recovery Services differ from compensatory education services?

Compensatory services are awarded based on a violation of IDEA and must be provided within a year of the violation. COVID-19 Recovery Services are determined on a “no fault” basis because the pandemic was not the fault of any of Iowa's school districts or AEAs. Provision of COVID-19 Recovery Services is not an admission or concession that a public agency violated the IDEA.

### Q3: How are COVID-19 Recovery Services decided? **UPDATED 2-8-2021**

IEP teams calculate the effects of lost opportunities for instruction and other services by analyzing the individual's performance data. IEP teams should complete the following four steps. Specific considerations for each step can be found in the [Considerations for Recovery Services](#) document.

1. Compare data describing the individual's performance when schools closed to data describing the student's current performance, **including any continuing disruptions of education due to COVID 19.**
2. Identify the gap between where the student was and where they are currently, **and where they were reasonably expected to have been.**
3. Review provision of current special education services and supports and the effect of those services on closing the gap.
4. Identify any additional recovery services that will be needed in order to close the gap.

#### **Q4: When can COVID-19 Recovery Services be provided? UPDATED 10-13-2020**

COVID-19 Recovery Services may be provided at any time up to one year after the end of the COVID-19 pandemic. It is likely that schools will move in and out of different delivery methods depending on local rates of infection until the end of the pandemic. This means that student learning opportunities may also fluctuate. IEP teams need the flexibility to identify and provide COVID-19 Recovery Services according to the unique needs of the eligible individual. Some students, for example, may respond quickly to initial efforts to accelerate learning, but may plateau within a couple of months and need recovery services.

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. It is anticipated that meaningful discussion and identification of recovery services will not occur until students have been in school for some time in order to determine whether current IEP services are sufficient for the student to recoup lost skills or regain progress.

#### **Q5: When should IEP teams consider the need for COVID-19 Recovery Services?**

IEP teams, which include the family, may consider the need for COVID-19 Recovery Services at any time and up to one year following the end of the COVID-19 pandemic. Parents may request an IEP meeting to consider COVID-19 Recovery Services at any time. It is likely that the amount and type of COVID-19 Recovery Services needed will not be known immediately upon the return to school. It may be necessary to see how the individual responds before a clear need can be identified.

#### **Q6: Must IEP teams hold a meeting for every student on an IEP to determine whether the student is eligible for recovery services?**

IEP teams, including parents, must monitor progress of the student on IEP goals and revise services as needed. When the services provided through the IEP are not sufficient for the student to recoup skills or regain progress lost during school closure, the IEP should consider whether the student is eligible for recovery services. This decision is based on data. A meeting must be held if recovery services are under consideration, but it is not necessary to unilaterally have a meeting for every student. Meetings should be held if the parent requests consideration of recovery services.

#### **Q7: How do we document the COVID-19 Recovery Services decided by the IEP team?**

There are a number of ways that COVID-19 Recovery Services can be documented in the IEP. Perhaps the easiest way to document what will be provided is in the section on Page B (PLAAFP) entitled *Other Essential Information*. IEP teams may prefer to create a separate Additional Information (Page I).

If teams select this method, however, they will need to ensure it is a different page than the one identifying supports and services to be provided in hybrid and virtual delivery models. Regardless of the method of documentation in the IEP, parents will need to be provided with a Prior Written Notice (PWN).

## **Q8: When are recovery services provided to a student considered done?**

**UPDATED 2-8-2021**

IEP teams, including the parents, must explicitly state the criteria for determining when recovery services are completed. Recovery services may look different than the services that were missed due to school closure/**disruption**. The nature, amount, and frequency of recovery services should be determined based on what is needed for the student to regain skills or progress that was lost during school closure/**disruption**. Recovery services are not intended to be a 1:1 replacement of services that were not provided during school closure/**disruption**.

## **Q9: What about compensatory education that was awarded prior to the closing of schools that hasn't been provided?**

The public agencies have an obligation to provide compensatory education that was previously ordered. If the time for providing compensatory education had expired during a school closure, the public agencies will establish a reasonable time to provide that compensatory education.

## **Q10: Can ESYS services be used to provide COVID-19 Recovery Services?**

No. Extended School Year Services (ESYS) are different from COVID-19 Recovery Services. ESYS services are provided to an eligible individual beyond the normal school year based on certain circumstances. The decisions that IEP teams must make in order to determine that an individual needs ESYS (see [Department of Education guidance](#)) are different from the decisions regarding COVID-19 Recovery Services. COVID-19 Recovery Services are provided to address skills and content that was not taught, as well as the compounding effects of those skills not being taught during the pandemic. ESYS services are provided in order to address significant concerns regarding skill acquisition or maintenance during an anticipated break in services. ESYS services may, however, be provided at any time during the school year if the IEP team decides that the student needs the services.

## **Q11: Will it be necessary to do a re-evaluation in order to determine the need for COVID-19 Recovery Services?**

In the first instance, IEP teams decide to provide COVID-19 Recovery Services based on the child's current data, which will include the current evaluation, most recent IEP, and progress measurement data, among other data points. A re-evaluation would be required only if the IEP team determined those data to be insufficient to complete the four-step process to determine COVID-19 Recovery Services.

## **Q12: What about learners that turned 3 years old while schools were closed and have missed services? Should COVID-19 Recovery Services be considered for them?**

Yes. IEP teams must consider whether those learners are entitled to COVID-19 Recovery Services.

**Q13: Are COVID-19 Recovery Services available for students who did not participate in required or voluntary services or selected to remain 100% virtual after February 15, 2021? UPDATED 2-8-2021**

The fact that a student did not participate in required services is one factor, and it, standing alone, is not outcome determinative. The IEP team would still need to consider whether there would be a gap under the four-step analysis, even if the student had participated in required services.

While a student's participation in voluntary services is certainly a factor in the four-step analysis, the fact that a student did not participate in voluntary services is not part of the COVID-19 Recovery Services analysis. This is because these services were, by definition, voluntary.

Students in districts offering parents a choice between full-time in school or 100% virtual after February 15, 2021, are still considered eligible for recovery services. Regardless of the choice, parents have made a choice that was available to all students as a result of COVID. The IEP team, therefore, will decide the services and supports that are necessary to provide FAPE in that location. These may look different than what would be provided in 100% brick and mortar. The need for recovery services will be different for each individual. This is true in situations where the district did not offer a choice, but the eligible individual received virtual services through the IEP as a health precaution.

**Q14: Our district provided required continuous learning. Do our IEP teams need to consider COVID-19 Recovery Services?**

Yes. Even with required continuous learning, there still may be gaps that COVID-19 Recovery Services are intended to address. For example, a child's IEP might call for sixty minutes per day of specially designed instruction in literacy, which the district provided during required continuous learning. There still may be a gap in performance, entitling the child to COVID-19 Recovery Services, due to an inability or difficulty to use and practice the newly learned literacy skills in the general education environment.

**Q15: What funds can be used to pay for COVID-19 Recovery Services?**

Public agencies may use any funds that they would have used to pay for special education support and related services (IDEA Part B funds, special education funds under state law, etc.), as well as ESSER funds. For additional use-of-funds questions, contact Bill Roederer at [bill.roederer@iowa.gov](mailto:bill.roederer@iowa.gov).

**Q16: Can ESSER II funds be used to pay for COVID-19 Recovery Services? NEW**

Yes, ESSER II funds may be used to pay for COVID-19 Recovery Services for students receiving special education. Districts will want to ensure, however, that the services provided address the individual's needs as identified by the IEP team. For example, districts might provide small group instruction to "catch up" multiple students. Students with disabilities might participate in those broader district offerings. That participation can only be considered recovery services if the small group instruction specifically addresses the needs identified by an individual's IEP team.