



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Superintendents of Schools
Directors of Special Education and Pupil Services

FROM: Bryan Klimkiewicz, Special Education Division Director

DATE: April 24, 2020

SUBJECT: Continued Educational Opportunities and Special Education during the COVID-19 Pandemic – Update #1

This is a working document, which may be updated frequently due to the rapidly changing response to this pandemic emergency and ongoing federal guidance updates.

The following information is being provided as an update to the March 24, 2020, memorandum titled, *Continued Educational Opportunities and Special Education during the COVID-19 Pandemic*.

Introduction

Due to the extension of the Governor's school closure order, the Connecticut State Department of Education (CSDE) determined additional guidance on holding PPT meetings was needed.

While appropriate for the original short-term school closure, the March 24th guidance on conducting planning and placement team (PPT) meetings could be interpreted as too restrictive for the extended school closure we are currently experiencing. Additionally, the federal Office of Special Education and Rehabilitation Services (OSERS) has not communicated to states any temporary flexibility or waiver from the requirements of the Individuals with Disabilities Education Act (IDEA). **Therefore, a district should not adopt any policy or practice that results in the cancellation of all PPT meetings during this extended school closure.**

Districts must attempt to balance the various competing demands that are being placed on staff and families at this time. Flexibility, collaboration with families, and creativity will assist districts in meeting this goal, while allowing for the priority of delivering services to students.

Planning and Placement Team (PPT) Meetings

The decision whether to convene a PPT meeting during this time should be an individual, student-centered decision. Each individually based determination should be made with parent input after considering the child's needs and the following factors:

- Does the proposed purpose of the PPT meeting necessitate convening at this time?
- Will the PPT members be able to meaningfully participate in the PPT meeting?
- Can the PPT meeting be convened in a manner that guarantees privacy and confidentiality?

Generally, during this time of unprecedented national emergency, public agencies are encouraged to work with parents to reach a mutually agreeable extension of timelines, as appropriate¹. Also, postponing PPT meetings with parent agreement may be considered. Districts should document any agreements regarding extensions of timelines or postponement of PPT meetings.

It is also recommended that the district and parent agree to amend the Individualized Education Program (IEP) without convening a PPT meeting when appropriate. If there is a need to revise an IEP during the school closure, the parent of a child with a disability and the school district may agree not to convene a PPT meeting for the purpose of making those changes, via an IEP amendment (Form ED634 *Agreement to Change an Individualized Education Program Without Convening a Planning and Placement Team Meeting*).

NOTE: IEP amendments are not to be used in lieu of annual or three-year reevaluation PPT meetings.

Purpose of the PPT Meeting

It will be important for districts to carefully review the purpose of each PPT meeting. The following questions can assist in guiding that review:

- Does the student already have an IEP in place that is being implemented? If not, do you have the information necessary to develop an IEP, if appropriate?
- Does the IEP require revision at this moment? If yes, is it necessary to convene a PPT meeting or can the IEP be revised through an amendment?
- Do you have access to all of the information necessary to fulfill the purpose of the PPT meeting?
- Will holding the PPT meeting now result in a greater meaningful educational benefit to the student rather than delaying the PPT meeting until a later date, or will the educational benefit be the same?

Once the purpose of the PPT meeting is established and reviewed, the district should determine if there is an alternative way to meet the purpose or intent of the meeting, without holding a PPT meeting. If the parent agrees to not holding a PPT meeting at this time, that should be documented, as well as what took place in the alternative (e.g., summary of parent conference, written communication, shared information/data, etc.).

As a reminder, continued educational opportunities are not required to be determined or documented as part of the PPT process. Providing the parent with prior written notice for decisions made about these opportunities is not necessary because all students are receiving an alternate mode of instructional delivery of the general education curriculum. However, for PPT meetings that are held during COVID-19 school closures, it may be appropriate to discuss parent or staff observations of the student's educational performance during this time, and other information gathered through the continued educational opportunities about the student's needs.

¹<https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf>

If a parent or the school district wishes to discuss the student's continued educational opportunities, the parent and district have flexibility to use other means of conferring with one another rather than convening a PPT for a meeting.

Meaningful Participation for District Staff and Parents

PPTs must be able to make well-informed decisions, as a team, based on complete and accurate information. Before a PPT meeting is scheduled, districts and parents should discuss the availability of the specific data that are needed to have a meaningful, productive discussion. If the district has access to written information that will be discussed at the meeting, such as evaluations, teacher reports, progress monitoring reports, or a draft IEP, this information should be securely sent to the parent, where possible, at least three days before the meeting. This will allow a parent to seek clarification regarding questions in advance of the meeting.

Privacy and Confidentiality

Districts should confirm that school staff and families have a space that is quiet and distraction free for the duration of the PPT meeting. This will help to safeguard student privacy and confidentiality, and help support each team member's attention and meaningful participation.

Given the practical barriers with people being at home, districts should collaborate with parents to schedule and adhere to an appropriate length of time for the meeting. It will be helpful to honor the parent's time constraints and explain to parents in detail any time limitations that may exist for district members of the team, and offer to arrange a parent conference to discuss concerns that may not be addressed in that particular PPT meeting.

Annual Reviews

The purpose of an annual review is to review the student's progress towards the IEP goals and objectives, consider any new data/information, and develop an IEP for the upcoming year.

If, after reviewing the factors outlined above, the district and the parent agree to convene a PPT meeting to conduct an annual review, any revisions to the IEP should be written for implementation in a regular school building and as if schools were operating normally and not for temporary situations like the current extended school closure.

The Bureau of Special Education (BSE) recommends documenting the IEP special education and related services start/end dates consistent with the district's practice when schools were operating normally. Most commonly, the start date of the IEP services is either 15 days from the PPT meeting date for "12 month anniversary IEPs," or the first day of the following school year for "school year based IEPs." Any special education or related service with a spring 2020 start date should be provided to the student to the greatest extent possible during the period of school closure. In addition to having the date of the meeting recorded on the IEP document, a notation should be made in the "Meeting Summary" section on page 2 of the IEP that the meeting was held telephonically/virtually during the COVID-19 school closure.

Suggested language for Prior Written Notice Actions Proposed: *This IEP has been developed during the time of school closure due to the COVID-19 pandemic. The IEP has been developed for implementation within a regular school building and is based on the currently available information and will be reviewed within a reasonable period of time once the student is back in the school building and the team has an opportunity to collect information regarding the student’s educational functioning. The district will implement the IEP to the greatest extent possible during the school closure.*

There may be cases in which (1) the required district staff², the parent, or the student may not be available, (2) there are issues with technology for participating remotely, or (3) there is limited access to relevant data, impeding the purpose, which is to develop an IEP for the student. In such cases, the PPT meeting should be scheduled and held as soon as it is feasible to do so, even if the one-year deadline has already passed. The student’s current IEP would remain in effect until a PPT convened and revised the IEP.

As an interim measure, a district should pursue alternative means (e.g., parent conference) to fulfill the purpose of the annual review and review with the parent any data/information that is available about the student’s progress towards the IEP goals and objectives, and any other information regarding the student’s challenges and strengths at this current time. This information will be useful for both the district staff and the parent with regards to the implementation and ongoing review of the continued educational opportunities.

Three-year Reevaluations (i.e., “Triennial Reviews”)

If the district has completed all of the recommended evaluations as designed prior to school closures, a PPT could convene to conduct the triennial review and determine continued eligibility. However, a district should only hold a triennial review PPT meeting for the purposes of determining a student’s continued eligibility if complete evaluation information is available, including reports from independent evaluators, if applicable.

The parent and the district may agree in writing to postpone the triennial review and continue the student’s current eligibility and IEP in the meantime. In this scenario, the written agreement should indicate when the PPT will convene (e.g., within a reasonable amount of time after the student is back in the school building) to design and conduct the reevaluation, determine continued eligibility, and revise the student’s IEP as appropriate.

Finally, the district and a parent may agree in writing that a triennial review is not necessary to determine the student’s continued eligibility. In such cases, the date of the written agreement would be used as the “triennial review PPT meeting date” in the district’s data submission to the CSDE.

² Required members of the PPT can be excused if either the staff member’s area of curriculum or related services is not being modified or discussed in the meeting or although the meeting involves a modification to or discussion of the staff member’s area of the curriculum or related services, he/she has submitted in writing, to the parent and IEP team, input into the development of the IEP prior to the meeting. (requires parent/guardian or adult student and school district representative agreement and signature) See CSDE form ED633: <https://portal.ct.gov/-/media/SDE/Special-Education/ED633.pdf>

Initial Evaluations

For initial evaluations that were completed prior to the school closure and for which complete evaluation information is available, it is strongly recommended that the district convene a PPT meeting to review the evaluation results, determine the student's eligibility, and develop an IEP if the student is found eligible for services.

If a district convenes a PPT meeting to review a referral for special education, the PPT should examine existing data, including information provided by the parent, to determine if a disability is suspected. If there is enough available information to determine the student's eligibility (and develop the student's IEP if found eligible for services), the PPT should move forward with the process.

If further evaluative information is needed, the PPT could design a comprehensive evaluation. It is essential that district staff follow the assessment administration protocols to ensure that the evaluation results are valid and reliable. While some specific assessments (e.g., behavior rating scales) may be completed by district staff and parents during the school closure, conducting a comprehensive evaluation during school closure is most likely not possible when there is only limited and remote contact with the student. Classroom observations would also not be possible at this time.

Eligibility determinations should not be made with incomplete information. This includes cases for which the evaluation was started but not completed before the school closure. The BSE encourages districts and parents to come to mutual agreement regarding a reasonable and practical timeline for the completion of the initial evaluation.

In circumstances in which an eligibility determination cannot be made because a comprehensive evaluation involving in-person evaluations is delayed due to public health orders, the parent and the school district should consider additional temporary supports to assist the student in accessing and benefiting from the continued educational opportunities.

Developmental Delay as Primary Disability

If the district is able to hold a PPT meeting and the PPT determines that sufficient information is available to determine the student's continued eligibility, then the PPT may change the student's primary disability category before the student's sixth birthday. If the PPT determines it does not have sufficient information at this time, the PPT should reconvene at a future date to plan and collect whatever additional information is needed. The student's current IEP and disability category would remain in effect until the PPT has the information it needs to make its determination.

Extended School Year (ESY)

The criteria for PPT determinations regarding ESY has not changed. The ESY process should not be utilized to determine whether or to what extent compensatory services may be needed when schools resume normal operations. If there is mutual agreement about ESY, the district and parent could document that decision by updating the student's IEP with an amendment. The BSE will provide additional information related to this topic in the near future.

Home-School Communication

As district staff and parents work diligently to navigate these uncharted waters, the CSDE continues to recommend ongoing communication between districts and families to support the collaborative efforts being made by everyone to sustain their students' ongoing learning and development.

Next Steps

As the next steps to protect public health and safety unfold, the CSDE is committed to providing ongoing guidance to support school districts and families.

cc: Charlene Russell-Tucker, Deputy Commissioner of Education
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