



GUIDANCE: SPECIAL EDUCATION TIMELINES AND SERVICES DURING CLOSURE

The Illinois State Board of Education has issued guidance on complying with special education mandates during school closure due to the coronavirus. Below is a summary of the March 17, 2020 Guidance.

**Special
education timelines remain in place, but days the school is
closed do not count
as “school days.”**

- ISBE indicates that “Act of God” days *do not* constitute “school days” under State

or federal law. Therefore, special education timelines that are based on school days are extended until school resumes. For example, the school has 60 school days to complete an evaluation. The Act of God days do not count as part of the 60 school days. A school has 14 school days to respond to a request for an evaluation. The closure days do not count towards these 14 school days.

- However, the Act of God days *do* count towards special education timelines that utilize calendar days or business days. For example, the ten calendar day notice of conference requirement remains in effect and the Act of God days are counted as calendar days.

- Annual

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review dates are *not* extended. Annual review meetings may be held by video conference or telephone conference, utilizing platforms such as Google or Zoom, or by telephone if the parent consents to having the meeting by remote means. IEP teams are not required to meet in person during closure days.

- There is no extension of the Early Intervention transition process. However, Early Childhood screenings and in person assessments must wait until school resumes.
- There is no extension of mediation, due process or complaint timelines.

Providing



FAPE during the school closure

- If a school provides educational opportunities to general education students during the closure, it must provide educational opportunities to special education students during the closure. How services are provided are within the District's discretion; but should be designed to allow the student to make progress on his or her IEP goals.
- Districts may provide related services to students during the closure by teletherapy or by providing activity packets to students. ISBE is unable to determine if Medicaid will reimburse for related

services provided in this manner.

- Because of the break in services and instruction during the closure, some students may require compensatory services when school resumes. Whether the student requires compensatory services should be determined by the IEP team, on a case by case basis, considering regression and recoupment and the student's individual needs.

- The educational opportunities and services provided to students during the closure should be documented by the school, and this will assist in determining whether a student requires compensatory services.

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- If an evaluation is in process during school closure, the school may complete components of the evaluation that do not require face to face assessment, such as completion of rating scales, during the school closure.

If you have questions regarding special education during the closure, please call one of our attorneys in Flossmoor at 708-799-6766 or in Oak Brook at 630-928-1200 or email one of our attorneys.