

ISBE ISSUES FREQUENTLY ASKED QUESTIONS FOR SPECIAL EDUCATION DURING REMOTE LEARNING

The Illinois State Board of Education has issued Frequently Asked Questions for Special Education During Remote Learning at <https://www.isbe.net/Documents/SPED-FAQ-04-20-20.pdf>

Highlights of the Guidance include:

There is no waiver of IDEA or Section 504 timelines.

- Remote learning days count as “school

days” for purposes of special education timelines that are based on school days.

However, remote learning planning days do not count as school days because

students are not in attendance on planning days.

- Timelines based on calendar and business days remain in effect.
- Annual reviews must still be held if parents agree to hold the meeting remotely by telephone or video conference.
- Evaluation timelines remain in place, but face to face assessments are suspended until school resumes. Rating scales, transition assessments that can be done remotely, interviews, and any other assessments that do not require face to face testing, should be completed.
- Early Intervention transition timelines remain in effect, such that an eligible child must have an IEP or continued IFSP in place, and receive early childhood services, by age 3. Review of records and other assessments that are not face to face, should be completed.

- Due Process and mediation timelines remain in effect, but the school and parent may agree to extend timelines and a hearing officer may extend timelines. State Complaint timelines also remain in effect, but federal guidance allows an extension of time for exceptional circumstances.
- If a student turns 22 years of age during remote learning, that student ages out of IDEA services.
- Schools should hold Manifestation Determination Reviews remotely as warranted.

There is no waiver of FAPE during Remote Learning.

- Schools should provide remote learning to students with disabilities that aligns as much as possible with IEP goals.
Instruction and related services required by the IEP may

be completed through technology platforms and telehealth services. There is flexibility in how services are provided and schools should find creative ways to provide occupational therapy, physical therapy, orientation and mobility services, nursing services, transition services, and all IEP services remotely. Schools should refer to ISBE Recommendations for Remote Learning.

- Schools may temporarily bill Medicaid for telehealth services and may use outside contractors to provide services as long as those service providers satisfy Illinois licensure requirements.
- Students at nonpublic special education facilities remain the responsibility of the school district and the district should collaborate with the private facility to ensure that students in private facilities are receiving appropriate remote learning and

IEP services.

- School Districts should also collaborate with their Special Education Cooperatives to ensure that IEP services and remote learning are provided.
- School districts may make placements at nonpublic facilities during school closure, as well as make other IEP decisions.
- FAPE remote learning requirements apply to students at private schools who have Individual Service Plans. The requirements also apply to charter schools.
- The IEP team should continue to make Extended School Year determinations, and these decisions are separate from later determining if a student with a disability should receive “compensatory” or modified services as a result of school closure.

**Documentation
by School Districts is critical.**

- Teachers and related service providers should carefully document services being provided to students with disabilities, communications with parents, and attempts to contact parents.
- Teachers and related service providers should continue to progress monitor on IEP goals and objectives. These professionals should maintain their notes to determine progress on annual goals and objectives.
- Document delivery of FAPE, compliance with timelines, accommodations provided, and methods of parental participation.
- Continue to provide Notices, IEPs and other documents to parents through email or mail.
- Informed written consent remains required. Schools should gain parental consent for evaluations, release of records, initial placement in special education, and other required consents, whether through email, electronic signatures or mail.

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- Document if a parent does not agree to hold an IEP meeting remotely.
- Document if a parent declines remote learning for their child. This does not constitute revocation of IEP services in general.
- Continue to document Early childhood outcomes and Indicator 13 transition requirements.

Please contact one of our attorneys if you have questions regarding special education during school closure.