




STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF STUDENT SUPPORT SERVICES

March 27, 2020

TO: Deputy Superintendent, Complex Area Superintendents, Principals (All), District Educational Specialists, Public Charter School Executive Director, Public Charter School Directors, Special Education Teachers

FROM: Heidi Armstrong 
Assistant Superintendent

SUBJECT: **Programming and Timelines for Students with Special Needs
During School Closures**

On Tuesday, March 24, 2020, the Hawaii State Department of Education (HIDOE) announced school facilities will remain closed to students through April 30, 2020. This decision is based on the latest guidance and information from health officials and elected leaders. Pending any changes due to COVID-19, traditional in-school instruction is on hold until schools reopen to students.

During the facilities' closure, the HIDOE schools will continue to provide learning opportunities through both online and paper packet enrichment activities to all students. To provide students with disabilities equal access to these same enrichment activities, schools should focus on what can be done to achieve appropriate and reasonable supports.

Special Education and Related Services

Schools must, to *the greatest extent possible*, provide the special education and related services identified in the student's Individualized Education Program (IEP) or Section 504 plan. This means focusing on what is appropriate and reasonable. These exceptional circumstances will affect how all educational and related services and supports are provided, and a Free Appropriate Public Education (FAPE) may include, as appropriate, special education and related services provided through distance instruction provided virtually, online, or telephonically. The use of telepractice as a service delivery model for related services should be considered on a case-by-case basis. For guidance on accommodating and modifying enrichment activities to align with student needs see the [Continuity of Learning](#) website "Special Populations" section.

In an effort to ensure the rights of students with disabilities under the Individuals with Disabilities Education Act (IDEA) and Hawaii Administrative Rules Chapter 60, schools may continue to conduct eligibility, evaluation, and IEP meetings through remote means when appropriate. The HIDOE leadership recognizes in this unique and ever-changing circumstance that schools can only make a *good faith effort* to meet the timeline requirements.

Schools shall conduct IEP meetings virtually using secured WebEx or conference calls. In the case where a parent(s)/legal guardian(s) or any other team member does not have online platform capabilities, they may call into the virtual meeting via telephone.

If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation must be delayed during the facility's closure. Initial evaluations and reevaluations that do not require face-to-face assessments or observations may take place during the school closure. If sufficient information is available for program purposes and eligibility is not in question, then assessments may be determined unnecessary by the IEP Team. A reevaluation may be considered or requested at any future time should the situation warrant.

Virtual IEP Meetings

Considerations for virtual IEP meetings:

- Engage in ongoing open communication with parent(s)/legal guardian(s) by supporting their communication needs as much as possible.
- Provide IEP Team members with necessary documents via email or standard mail when needed.
- Take all necessary cautions to ensure the meeting place is private.
- Do not use personally identifiable information in the title of the virtual meeting.
- Plan ahead as much as possible to allow all team members an opportunity to prepare.
- Meeting time and means must be mutually agreed upon with the parent(s)/legal guardian(s).
- Given a long-term closure, when the team does not have updated and accurate performance data, and there are no proposed revisions to the current IEP, it may not be feasible to conduct an annual review of the IEP. In this case, the school administrator, teacher, and parent(s)/legal guardian(s) should discuss the situation and may need to consider a mutually agreed upon extended timeline.

Timelines

If timelines cannot be met due to the inability to conduct face to face assessments, all IEP members are not available to participate remotely (online or by phone), schools should do the following:

- Contact parent(s)/legal guardian(s) to reach a mutually agreeable extension of time.
- Document the extension in a Prior Written Notice (PWN).
 - For IEP extension, write, "Due to COVID-19, and the inability of all IEP team members to meet, there will be a timeline extension. Therefore, the IEP dated _____ will remain in place until the IEP Team meets, and a new IEP is developed."
 - For Initial Evaluation/Reevaluation write, "Due to COVID-19, and the inability of assessments to be completed, there will be a timeline extension."

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- Several attempts need to be made to schedule a meeting and record all attempts in the electronic Comprehensive Student Support System, Event Log tab.

The information in this memo is based on the information that is currently available to the HIDEO at this time and is subject to change as new information is provided.

If you have any questions, please contact Ms. Annie Kalama, Director, Exceptional Support Branch, at (808) 305-9806 or via email at annie.kalama@k12.hi.us.

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c: Superintendent
Assistant Superintendents