



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

OFFICE OF THE SUPERINTENDENT

July 31, 2020

TO: Complex Area Superintendents, Principals (All), District Educational Specialists, Public Charter School Executive Director, Public Charter School Directors, Teachers, Related Service Personnel

FROM: Dr. Christina M. Nishimoto
Superintendent

SUBJECT: Reopening of the School Year Requirements for Students with Disabilities

The Hawaii State Department of Education's (HIDOE) Return to Learn: School Reopening Plan Principal Handbook (Principal Handbook) allows schools to adopt an instructional model within the "Act with Care" level of impact¹ that may include face-to-face, online or hybrid/blended learning. The purpose of this memo is to ensure that students with disabilities receive a free appropriate public education in this reopening phase. All schools must fully implement students' Individualized Education Programs (IEPs)/Section 504 Plans, regardless of their school's instructional model.

IEP/Section 504 Review

When schools and public charter schools reopen in August 2020, schools shall conduct IEPs and Section 504 meetings within the first quarter for all students with disabilities. The purpose of the IEPs/Section 504 meeting is to:

- Identify what accommodations/modifications, if any, are needed to access instruction given the schools instructional model.
- Develop an individualized contingency plan.
- Determine if the student has different or additional needs due to COVID-19 school closure.

The IEP revisions must be based on students' needs and not on the available instructional models.

COVID-19 Contingency Plan

Although schools must implement students' IEPs/Section 504 Plans in its entirety, given the unpredictable nature of COVID-19, schools must prepare for any future disruption to educational services. Thus, all students with disabilities are required to have a contingency plan. The [School Closure Contingency Plan](#) describes what service(s) will be provided, including accommodations/modifications/supports needed for the student to access and participate in distance learning (virtual, telepractice, or paper packet) should there be another disruption in learning. This plan must be uploaded into the electronic Comprehensive Student Support System (eCSSS) Supports Tab, COVID 19 node.

¹Governor's Reopening Hawaii Plan

COVID-19 Impact Services

Within the first quarter, the IEPs/Section 504 team must also determine the need for COVID-19 Impact Services due to the school closure. The *Addressing the Impact of COVID-19 Implementation Guidelines for Students with Individualized Education Programs and Section 504 Plans* provides detailed operational information, [Addressing the Impact of COVID-19 Guidelines](#). The *SPED: COVID-19 Impact Services - IDEA* and/or *SPED: COVID-19 Impact Services - Section 504 mandatory modules on PDE3 (pde3.k12.hi.us)* is required for all IEPs/Section 504 team members.

Parent(s)/Legal Guardian(s) Request for Distance Learning

With any school model, parent(s)/legal guardian(s) who do not wish to bring their child to a school campus may opt for distance learning. When a parent(s)/legal guardian(s) of a student with an IEP makes this request, and the school cannot implement the IEP in its entirety, the school team must work with the parent(s)/legal guardian(s) to develop a [Total Distance Learning Plan](#) to implement the IEP to the greatest extent possible. This plan must be uploaded into the eCSSS Supports Tab, COVID 19 node.

Educational Environment

Placement in the least restrictive environment (LRE) continues to be a regulatory requirement that has not been waived. Changes to school instructional models will require schools to determine how they will maintain each individual student's LRE in the context of the school's core operations. The creation of ohana bubbles may not result in the segregation of students with IEPs.

When a change in placement is proposed at an IEP meeting (e.g., homebound), teams are reminded that evidence of a need and supporting data must be used to make decisions.

When a student with a disability at high risk of severe medical complications is out of school during an outbreak of COVID-19 and the school remains open, and the absence is ten (10) consecutive school days or less, the provision of services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available, is not considered a change in placement. However, if the absence is likely to be for a long duration (generally more than ten [10] consecutive school days), the IEP team must meet to consider a change of placement such as homebound. The information in this memo is based on the information that is currently available to the HIDEOE at this time and is subject to change as new information is provided.

If you have any questions, please contact your Special Education District Educational Specialists or the Exceptional Support Branch, at (808) 305-9806.

CKM:ak

Attachments

c: Deputy Superintendent
Assistant Superintendents
Monitoring and Compliance Branch
Office of Student Support Services