

ADDRESSING THE IMPACT OF COVID-19

IMPLEMENTATION GUIDELINES FOR STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS AND SECTION 504 PLANS

SCHOOL RESPONSE TO THE IMPACT OF COVID-19 ON STUDENTS WITH DISABILITIES

When students with disabilities experience any skill(s) loss following COVID-19 school closures, Individualized Education Program (IEP)/Section 504 Teams must make an individualized determination whether and to what extent services may be needed to assist the student in recouping those lost skill(s) due to school closure.

Therefore, when schools resume normal operations in fall 2020, all schools are required to:

- 1. Conduct IEP/Section 504 meetings;*
- 2. Collect and review both existing and new data; and*
- 3. Conduct IEP/Section 504 meetings to determine each student's need for additional services to recoup any skill(s) loss.*

Student needs due to school closure may be addressed by one or more of the following options:

- High impact strategies/interventions which are available to all students through the Hawaii Multi-Tiered Support System (HMTSS) process, and/or*
- Revision to the IEP/Section 504 Plan (which may be a new annual), and/or*
- COVID-19 Impact Services (services beyond the typical school day).*

*It is imperative that schools engage parent(s)/legal guardian(s) in the decision-making process. Any information that the parent(s)/legal guardian(s) can provide the team regarding the student's skill(s) loss is essential for student planning. **Services beyond the typical school day may be necessary and are referred to in this document as COVID-19 Impact Services, as defined in the [FAQ OSEP COVID-19 document](#) is based on individual student needs as determined by the IEP/Section 504 Team and is not defined as a legal remedy for a denial of FAPE.***

STEPS TO ADDRESS THE IMPACT OF COVID-19 FOR STUDENTS WITH IEPs

Gather Information to Determine Impact of COVID-19

- 1. Gather and review all available information that was available immediately prior to school closure and during school closure, including, but not limited to the current IEP, third and fourth quarter grades, third and fourth quarter progress reports, information pertaining to education-related material and/or services provided to a student during the closure, student's participation and response to activities, how progress was measured, student work samples, permanent products, other evidence of learning and any data that was collected in electronic Comprehensive Student Support System (eCSSS) under the Supports Tab in the "COVID-19 Documents," event log and/or service log.*
- 2. Familiarizing yourself with student information is important and should be done prior to communicating with parent(s)/legal guardian(s).*

3. *Contact parent(s)/legal guardian(s) to gather information on the areas identified in the student's IEP, general information, and needs.*
4. *Reassess student performance on the IEP goals and objectives. It is recommended the student be given several opportunities to demonstrate skills over multiple sessions, opportunities, days, etc., as appropriate. Collect and maintain data.*
5. *Administer universal screeners, informal assessments, and observations as needed to determine if a student has maintained at the same level prior to school closures and whether additional needs have surfaced.*
6. *Gather current student work samples, permanent products, and other evidence of learning.*

Schedule the IEP Meeting

1. *Conduct an IEP meeting during the first quarter. IEP meeting(s) may be held in person, virtually, and telephonically.*
2. *The purpose of the IEP meeting is to determine the following:*
 - *Did the student experience any skill(s) loss in the area of disability due to COVID-19 school closure?*
 - *If the student experienced any skill(s) loss, how significant was the loss?*
 - *How will the skill(s) loss be addressed?*
 - *High impact strategies/interventions through the HMTSS process (which are available to all students); and/or*
 - *Revision to the IEP (which may be a new annual); and/or*
 - *COVID-19 Impact Services (services beyond the typical school day).*
3. *Much like any other IEP, the IEP Team still needs to address any newly developed strengths and/or needs to be identified through assessments, observations, and other testing.*

How Does the IEP Team Determine Skill(s) Loss or Needs

1. *Parent(s)/legal guardian(s) is vital to this process; therefore, it is imperative to consider their input. This includes any new information, observations, photographs, recordings, correspondence, anecdotal notes, reports, data, etc. the parent(s)/legal guardian(s) shares.*
2. *Review the third quarter progress reports (baseline data), fourth-quarter progress reports, third and fourth quarter grades, service/supports provided during the closure, student's participation and response to activities, how progress was measured, student work samples, permanent products, other evidence of learning and any data that was collected in eCSSS under the Supports Tab in the "COVID-19 Documents" node, Event Log and/or Service Log.*
3. *Review student's current performance regarding IEP goals and objectives (i.e., data, informal assessment results, observations, student work, etc.).*
4. *Determine if there were skill(s) loss by analyzing baseline data and current performance. In addition, determine if there was a failure to make appropriate progress toward IEP goals and objectives by receiving the fourth quarter process reports. The [COVID-19 Impact Services Goals/Objectives Template](#) is provided to support the IEP Team in decision making.*

5. *If there was a skill(s) loss due to school closure, determine if the skill(s) loss can be addressed in a reasonable time in the same manner as non-disabled peers (e.g., HMTSS process and delivery of high impact strategies, and interventions). If it cannot, then skill(s) loss is significant, requiring revision to the IEP new annual IEP and/or COVID-19 Impact Services, which is beyond what students without disabilities would receive.*
6. *Decisions regarding skill(s) loss and determination of supports and/or services are captured in the Prior Written Notice (PWN).*

How does the IEP Team Address Minor Skill(s) Loss

1. *For skill(s) loss that is minor and can be addressed through the HMTSS process, [explicit instruction](#) and/or [high impact strategies/interventions](#) (which are available to all students) should be considered to address the skill(s) loss.*
2. *When determining the frequency and duration of explicit instruction and/or high impact strategies/interventions, consider the student's acquisition rate or how long it takes for the student to relearn skill(s) loss and to get the student to a level where s/he would have been for but for the school closure.*
3. *Set clear criteria for the student to relearn skill(s) loss and get to a level where s/he would have been but for the school closure.*
4. *Deliver explicit instruction and/or high impact strategies/interventions with fidelity.*
5. *Progress monitor student performance; this includes on-going data collection and analysis.*
6. *Communicate with the parent(s)/legal guardian(s) on what is being provided and how the student is performing.*
7. *After several data points have been collected (according to the HMTSS, this could take approximately 4 to 6 weeks; however, this may vary depending on the unique needs of the student), the school team should meet to analyze the data.*
8. *If the data indicates criteria have been met, then explicit instruction and/or high impact strategies/interventions are no longer needed.*
9. *If the data indicates criteria have not been met as anticipated, an IEP Team meeting should be held to address the issue.*
10. *If the IEP Team is considering a new service, the reevaluation process must be initiated, which may or may not include additional assessments.*
11. *For skill(s) loss that is minor and can be addressed through the HMTSS process, the revision to the IEP may not be required. However, decisions regarding minor skill(s) loss and how it will be addressed, such as explicit instruction and/or high impact strategies/interventions should be documented in the PWN.*

How Does the IEP Team Address Significant Skill(s) Loss or Needs

1. *If there was a significant skill(s) loss or needs, and the IEP Team determines that it cannot be addressed in a reasonable time in the same manner as non-disabled peers through the HMTSS process, then the skill(s) loss is significant requiring individualized supports and services which is beyond what students without disabilities would receive.*
2. *If the IEP Team has a suspicion that changes to student's specially designed instruction and/or related services may be needed, the IEP Team shall proceed with the IEP process.*
3. *During the IEP meeting, to address the significant skill(s) loss and resulting needs, determine if increased services or new services (may include COVID-19 Impact Services) are needed. Review the IEP in its entirety.*
4. *The purpose of COVID-19 Impact Services is to quickly improve skill(s) loss and get the student to a level where s/he would have been but for the school closure. To make that determination, the IEP team will address the question, "Did the student regress significantly in skill(s) and/or fail to make appropriate progress towards IEP goals and objectives such as that additional service(s) are needed to quickly close the gap created by COVID-19?"*
5. *The COVID-19 Impact Services are services to supplement current IEP services and are delivered beyond the school day.*
6. *COVID-19 Impact Services are temporary and high impact specially designed [instruction](#) or related services delivered but not limited to, the following formats:*
 - *In-person, homogenous small-group, before or after-school intervention sessions, tutoring;*
 - *Online (synchronous), homogenous small-group, before or after-school intervention sessions, tutoring; and*
 - *Skill-based, before or after-school Learning Labs.*
7. *When determining the frequency and duration of COVID-19 Impact Services, consider the student's acquisition rate or how long it takes for the student to relearn skill(s) loss and learning style.*

***Note:** COVID-19 Impact Services are not an hour for hour make up for what was not provided during the school closure; rather, it should be based on student's current needs, which may result in more, less, or different services.*
8. *In addition to the frequency and duration, the IEP team will also determine where special education and related services will be provided (location) and how will it be provided (face to face, online, virtual, telepractice, etc.).*
9. *When making COVID-19 Impact Services scheduling decisions, consideration must also be given to the student's ability to participate and/or benefit from services over the course of a long day.*
10. *COVID-19 Impact Service Plan must be delivered in its entirety as written. Completion of progress reports is not required. However, documentation of services provided is required.*
11. *If the IEP Team is considering a brand new related service, the reevaluation process must be initiated. The IEP revision may be made based on assessment results.*

How to Document Significant Skill(s) Loss and Needs in the IEP

1. *If the skill(s) loss is significant or there are needs that cannot be addressed through the HMTSS (what is available to general education students), the IEP needs to be revised accordingly.*
2. *In the Present Levels of Educational Performance (PLEP) section – describe the extent of the significant skill(s) loss. Also, include information and data that was used to determine the extent.*
3. *Transition section – revise or update if the skill(s) loss or needs impact transition.*
4. *Goals/objectives – revise or develop new goals/objectives to address skill(s) loss and/or needs.*
5. *IEP Service Grid – determine special education and related services minutes needed to address skill(s) loss and/or needs.*
6. *Supplementary Aids and Services section – determine the aids, services, and other supports that are provided in regular education classes, other education-related settings, and in extracurricular and nonacademic settings, to enable the student to be educated with nondisabled children to the maximum extent appropriate.*
7. *ESY – determine if and how the skill(s) loss and/or needs will impact ESY services which are individualized special education and/or related services that are uniquely designed to provide a FAPE to a student with disabilities.*
8. *Placement – consideration must be given to how and where services will be provided, as this may impact placement decisions in regards to the least restrictive environment.*
9. *If the skill(s) loss and/or needs can be addressed through the IEP and within the school day, COVID-19 Impact Services are not necessary.*

How to Document Impact Services in eCSSS

COVID-19 Impact Services are not part of the IEP but may be in addition to the service the student would receive in their IEP. Therefore, COVID-19 Impact Services should not be documented in the IEP but rather on the “Supports” Tab, within the “Service Plans” node.

1. *[COVID-19 Impact Service Plan](#) should include frequency, duration, location of services. This information shall be documented in the eCSSS, Service Plans node.*
2. *COVID-19 Impact Services providers will need to document delivery of services and student progress in the eCSSS Service Plan node.*

What Should Be Done After the IEP Meeting

1. *After the IEP meeting to determine skill(s) loss and/or needs, the IEP Care Coordinator needs to revise the current IEP or write a new annual IEP, if the IEP team has decided this to be appropriate, and, if applicable, develop a COVID-19 Impact Service Plan, and complete the PWN which clearly explains if supports and services are needed, including addressing the following:*
 - *What is HIDEOE's proposed offer to address the impact of COVID-19?*
 - *If there was no impact on student performance and learning, as indicated in no skill(s) loss, this should be documented in the PWN.*

- *If there were minor skill(s) loss that will be addressed through high impact strategies/interventions (which are available to all students), this should be documented in the PWN.*
- *Supports/services will be provided as part of the IEP to address the significant skill(s) loss and resulting in needs.*
- *COVID-19 Impact Services that will be provided; these services are not included in the IEP but are in addition to what is provided in the IEP.*
- *Why will the supports/services (high impact strategies/interventions, IEP indicated, COVID-19 Impact Services) be provided?*
- *What other supports/services etc. were considered?*
- *How were these decisions made (i.e., parent(s)/legal guardian(s) input, anecdotal notes, baseline, and current data, observations, informal assessments, interviews, student work, etc.)?*
- *Other relevant factors*

***Note:** If there was significant skill loss and/or failure to make appropriate progress towards IEP goals and objectives, the PWN should cover areas related to the special education and related services that a student currently needs to be provided a FAPE. COVID-19 Impact Services are in addition to the current offer of FAPE.*

2. *Send the IEP and PWN home to the parent(s)/legal guardian(s) at least five business days prior to the implementation of the IEP if there was a change to the IEP or it is a new annual IEP.*
3. *The IEP Care Coordinator will monitor the student's progress and communicate with the parent(s)/legal guardian(s) of the student's progress toward the skill(s) loss that will be addressed through supports and services.*
4. *If progress is not being made at an adequate rate or has occurred quicker than initially anticipated, the IEP Care Coordinator will schedule an IEP meeting to address the issue.*

STEPS TO ADDRESS THE IMPACT OF COVID-19 FOR STUDENTS WITH SECTION 504 PLANS

Gather Information to Determine Impact of COVID-19

1. *Gather and review all available information that was available immediately prior to school closure and during school closure, including, but not limited to the Section 504 Plan, third and fourth quarter grades, information pertaining to education-related material and/or services provided during school closure to a student, student's participation and response to activities, student work samples, permanent products, other evidence of learning and any data that was collected in eCSSS under the Supports Tab in the "COVID-19 Documents" node, Event Logs and/or Service Logs.*
2. *Familiarizing yourself with student information is important and should be done prior to communicating with parent(s)/legal guardian(s).*
3. *Contact parent(s)/legal guardian(s) to gather information on the areas identified in the student's Section 504 Plan, general information, and needs.*
4. *Administer universal screeners, informal assessments, and observations as needed to determine if a student has maintained skills at the same level prior to school closures and whether additional needs have surfaced.*
5. *Gather current student work samples, permanent products, and other evidence of learning.*

Schedule the Section 504 Meeting

1. Conduct a Section 504 meeting during the first quarter. Section 504 meeting(s) may be held in person, virtually, and telephonically.
2. The purpose of the Section 504 meeting is to determine the following:
 - Did the student experience any skill(s) loss due to COVID-19 school closure?
 - Section 504 accommodations and/or related services are to provide the student with access to his/her education, putting them on equal footing as their peers. All students may have some level of academic regression. Section 504 Teams need to separate normal regression and focus on the need of the student.
 - How will the skill(s) loss be addressed due to the COVID-19 school closure?
 - High impact strategies/interventions through the HMTSS process (which are available to all students); and/or
 - Revision to the Section 504 plan to enable the student to access their instruction (which may be a new annual); and/or
 - COVID-19 Impact Services (services beyond the typical school day).

Note: Section 504 Teams should address only those skill(s) loss that is directly attributable to the inability to implement the Section 504 Plan, i.e., inability to provide an accommodation and/or modification that prevented the student from accessing his/her academic work during school closure.

How Does the Section 504 Team Determine Skill(s) Loss or Needs

1. Parent(s)/legal guardian(s) are vital to this process; therefore, it is imperative to consider their input. This includes any new information, observations, photographs, recordings, correspondence, anecdotal notes, reports, data, etc. the parent(s)/legal guardian(s) shares.
2. The Section 504 Team will determine, using all relevant information gathered, whether there is skill loss and could be addressed through their school's HMTSS process.
 - For skill(s) loss that can be addressed through the HMTSS process, [explicit instruction](#) and/or [high impact strategies/interventions](#) (which are available to all students) should be considered to address the skill(s) loss.
 - Review the current Accommodation(s) and/or Related Service(s) within the Section 504 Plan, ensuring that Section 504 eligible students have access to their instruction.
 - If not, Section 504 Teams should revise those plans to address those Accommodations and Related Services that are to be provided. A PWN should be drafted accordingly.
 - When determining the frequency and duration of explicit instruction and/or high impact strategies/interventions, consider the student's acquisition rate or how long it takes for the student to relearn skills and get the student to a level where s/he would have been for but for the school closure.
 - Set clear criteria for the student to relearn skills.
 - Deliver explicit instruction and/or high impact strategies/interventions with fidelity.
 - Progress monitor student performance; this includes on-going data collection and analysis.
 - Communicate with the parent(s)/legal guardian(s) on what is being provided and how the student is performing.
 - After several data points have been collected (according to the HMTSS, this could take approximately 4 to 6 weeks; however, this may vary depending on the unique needs of the student), the school Team should meet to analyze the data.

- *If the data indicates criteria have been met, then explicit instruction and/or high impact strategies/interventions are no longer needed.*
 - *If the data indicates criteria have not been met as anticipated, a Section 504 Team meeting should be held to address the issue.*
3. *If the student's needs have changed, additional accommodations and/or related services may be necessary, and the Section 504 Team should revise and implement the student's Section 504 Plan. A PWN should be drafted accordingly.*
 4. *If the student's skill(s) loss that is directly attributable to the inability to implement the Section 504 Plan, i.e., inability to provide an accommodation and/or modification that prevented the student from accessing his/her academic work during school closure, the Section 504 Team should then determine if increased services or new services (may include COVID-19 Impact Services) are needed. Review the Section 504 Plan in its entirety.*
 5. *The COVID-19 Impact Services are services to supplement current Section 504 services and are delivered beyond the school day.*
 6. *When determining the frequency and duration of COVID-19 Impact Services, consider the student's acquisition rate or how long it takes for the student to relearn skill(s) loss and learning style.*
- Note:** COVID-19 Impact Services are not an hour for hour make up for what was not provided during the school closure; rather, it should be based on student's current needs, which may result in more, less, or different services.*
7. *In addition to the frequency and duration of COVID-19 Impact Services, the Section 504 Team will also determine where the services will be provided (location), how it will be provided (face to face, online, virtual, telepractice etc.), and what accommodations and/or modifications will be provided to access the services.*
 8. *When making COVID-19 Impact Services scheduling decisions, consideration must also be given to the student's ability to participate and/or benefit from services over the course of a long day.*
 9. *COVID-19 Impact Service Plan must be delivered in its entirety as written. Documentation of services provided is required.*

What Should Be Done After the Section 504 Meeting

1. *After the Section 504 meeting to determine skill(s) loss and/or needs, the Section 504 Care Coordinator needs to revise the current Section 504 Plan or write a new annual Section 504 Plan, if the Section 504 team has decided this to be appropriate, and, if applicable develop a COVID-19 Impact Service Plan, and complete the PWN which clearly explains if supports and services are needed, including addressing the following:*
 - *What is HIDOE's proposed offer to address the impact of COVID-19?*
 - *If there was no impact on student performance and learning, as indicated in no skill(s) loss, this should be documented in the PWN.*
 - *If there were minor skill(s) loss that will be addressed through high impact strategies/interventions (which are available to all students), this should be documented in the PWN.*

- *Accommodations and/or related services will be provided as part of the Section 504 Plan to address the skill(s) loss and resulting in needs.*
- *COVID-19 Impact Services that will be provided; these services are not included in the Section 504 Plan but are in addition to what is provided in the Section 504 Plan.*
- *Why will the supports/services (high impact strategies/interventions, Section 504 Plan indicated, COVID-19 Impact Services) be provided?*
- *What other supports/services etc. were considered?*
- *How were these decisions made (i.e., parent(s)/legal guardian(s) input, anecdotal notes, baseline, and current data, observations, informal assessments, interviews, student work, etc.)?*
- *Other relevant factors*

Note: *The PWN should cover areas related to the specialized education, accommodation(s) and related services that a student currently needs to be provided a FAPE under Section 504. COVID-19 Impact Services are in addition to the current Section 504 plan.*

2. *Send the Section 504 Plan and PWN home to the parent(s)/legal guardian(s) at least five business days prior to the implementation of the Section 504 Plan if there was a change to the Section 504 Plan or it is a new annual Section 504 Plan.*
3. *The Section 504 Care Coordinator will monitor the student's progress and communicate with the parent(s)/legal guardian(s) of the student's progress toward the skill(s) loss that will be addressed through accommodations and services.*
4. *If progress is not being made at an adequate rate or has occurred quicker than initially anticipated, the Section 504 Care Coordinator will schedule a Section 504 meeting to address the issue.*