

ALLIANCE FOR HIGH QUALITY EDUCATION

All Member Conference Call

March 17, 2020
10:00 A.M.

MEETING SUMMARY

In attendance on phone conference: Jessica Voltolini, Tony Podojil, guests Julie Martin and Derek Towster, and member representatives from 43 school districts.

Tony Podojil convened the meeting by phone conference at 10:00 a.m. The primary focus of this meeting was Special Education issues due to the Governor's closing of schools based on health concerns related to the spread of Coronavirus.

Jessica introduced our guest, Julie Martin and Derek Towster from the school law firm, [Scott Scriven](#), who were on the call to give advice for general and specific district concerns.

Julie referenced the resources regarding educating Students with Disabilities during these rapidly changing times:

- Ohio Department of Education (ODE) website FAQ
- U.S. Department of Education (USDOE) website FAQ (posted March 12th)
- Office for Civil Rights (OCR) website FAQ sheet and webinar (posted March 16)

General education information for all districts was to realize we are in constant change at the moment and we can all continue to work together to handle these changes for the benefit of the children in our districts. It will be important to set academic expectations clearly to the students. Let students and parents know expectations can change and probably will change depending on the amount of time students are not permitted to attend school.

We must be prepared for students' reactions to changes in learning environments. Districts should send students and families a copy of the district's acceptable use policy, student code of conduct, and re-enforce expectations for student behavior while engaged in distance-learning activity. It is also important to remind educators and staff of their respective responsibilities and re-enforce expectations regarding acceptable use policies and how to best communicate with students working remotely and/or online. (Example: Remind students they are not allowed to record lessons unless they have prior written approval).

Educators and staff should understand procedures for how to discipline students should the need arise. For example, be clear with staff regarding how to investigate and handle bullying and harassment issues if students are disruptive while utilizing online learning capabilities.

If your district has not already sent students home with needed supplies or personal property (i.e. books and items from a student's desk or locker), the district should determine how and when students will be able to get those supplies. Administrators should also ensure that students have access to pick up any needed medication currently stored by the school nurse at each school building.

School Trips will need to be cancelled. Review vendor contracts for information on cancellations and refunds.

Special Education Concerns.

Q: What is the district's obligation to provide a free and appropriate public education (FAPE) during this mandated school closure?

A: If you are not providing educational services to general education students, you are not under any obligation to provide special education services to students with disabilities during the same time period. (USDOE FAQ)

If an LEA continues to provide education opportunities to general education students during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities including the provision of FAPE.

This means you need to make learning opportunities available and accessible. Consider visual/hearing impaired students, students with physical disabilities, etc. and consider assisted technology like 1-to-1 devices and speech-to-text/text-to-speech. The district will need a process to monitor if students with disabilities are able to access the remote and distance learning options and identify accommodations that will need to be put in place.

Make sure your special education teams are working closely with your curriculum directors and general education teacher because every decision your curriculum team makes is going to affect your special education team as well and you must be sure there is equal access for all. Keep detailed records of what is being provided. Document Document Document. This will help in the long run when districts are dealing with compensatory services issues.

Q: Should we send our educators/instructors/outside providers to a student's home to provide services and meet IEP requirements?

A: Legally, the answer is yes you can send staff to a student's home but these decisions should be made on a case-by-case basis and in collaboration with your local health department. ODE FAQ Question 20 gives guidance on this issue.

Q: What about requirements related to change of placement?

A: There is not a clear answer to this issue. This is a topic that may have to be discussed after the Governor opens schools or sometime in the future with discussions with the Governor's office.

Q: Are schools still required to comply with special education procedural deadlines?

A: Yes. Districts should comply with procedural deadlines with the exception of holding face-to-face meetings. Do as much as you can via phone and via technology. OCR Guidance states that school districts are not required to meet in person while schools are closed. If a student needs a face-to-face assessment, it must be delayed until school reopens.

It is best to communicate with students and families that changes are happening daily and could continue for an unknown amount of time until the Governor permits schools to reopen their doors. Let them know you are working based information as it is provided to you and making changes as necessary.

Tony Podojil introduced Craig Burford with the Ohio ESC Association (OESCA). Craig stated that the OESCA website (oesca.org) has a data site with key documents that you can use as a resource center that

is being updated daily with current information all in one place. (Once on the website look to the upper left.)

Members expressed concerns over the cost with providing the extra services needed for all students to remain home and also about the reduced hours of instruction, (regular hours are reduced and concern if IEP has specified times are those times reduced as well) asking Jessica to list this as topics to discuss with Governor office and ODE representatives.

Tony invited members to email topics of concern or specific questions to him or Jessica so that those concerns can be discussed on the next conference call.

Next Conference Call:

The next call will be **March 24, 2020, at 10 AM by phone conference.**

The meeting adjourned at 11:00 a.m.