

Special Education & Distance Learning Emergency Plans during COVID - Frequently Asked Questions (FAQs) for Families?

We are working to proactively respond to the COVID-19 pandemic and what it means to provide continuity of learning during this time of school closures. We are guided by the latest information available from health officials in addition to guidance from the State and Federal government regarding students with disabilities. In turn we continue to clarify what new developments mean for serving our students. In this document you will find answers to some **Special Education** related FAQs.

Senate Bill No. 98**What is Senate Bill 98?**

Senate Bill 98 is a new California law that was approved in July 2020 along with the state budget. The new law addresses required standards for public schools and provides guidance and recommendations for education during times of emergencies.

What does [Senate Bill 98 \(SB-98\)](#) require for all students?

- The minimum instructional minutes in a school day remain as follows:
 - Kindergarten - 3 Hours (180 minutes)
 - 1st - 3rd grade - 3 hours 50 min (230 minutes)
 - 4th - 12th grade - 4 hours (240 minutes)
- Each student must have a daily live interaction with a teacher (via Zoom, Google Meets, or telephone), unless daily live interaction is not feasible in the District, in which case an alternative plan for frequent live interaction must be developed.
- School staff must take attendance and document daily student participation.

What is Senate Bill 98 (SB98) and what does it require in an IEP?

- Senate Bill 98 was signed into law by Governor Gavin Newsom on June 29th, 2020.
- Per Education Code 56345(a)(9), at a student's next regularly scheduled meeting to revise an IEP, the District must include a description of how a student's IEP will be provided in the event of emergency conditions in which instruction, services, or both cannot be provided at the school or in person for more than 10 school days. We are referring to this as a Distance Learning Emergency Plan. This plan will be implemented during emergency conditions only, and is not stay-put. When emergency conditions end, the District will resume implementation of the most recent IEP we have parent consent to implement. Based on public health guidance, instruction may at times be entirely remote (i.e., teacher and students in different locations), or a combination of remote and in-person (hybrid). In the event we move into a hybrid model, this emergency plan may need to be revised.
- Education Code 56345(a)(9) states that the description should include:
 - (i) special education and related services
 - (ii) Supplementary Aids and Services
 - (iii) Transition Services (i.e. postsecondary transition services)
 - (iii) Extended School Year

How is the Distance Learning Emergency Plan different from the IEP?

The DL Emergency Plan describes the means by which an IEP will be provided during emergency conditions. It does not change the District's offer of a free appropriate public education (FAPE) to your student. Although Education Code 56345(a)(9) requires the District to include this description of the means by which an IEP will be provided during emergency conditions at the next regularly scheduled revision of a student's IEP, we want all parents to know as soon as possible how we will be providing their student's IEP during these emergency circumstances.

**Distance
Emergency
Learning Plans**

What is a Distance Learning Emergency Plan?

- A document that includes a description of the means by which a student’s IEP will be provided under “emergency conditions” in which instruction cannot be delivered in-person for more than 10 school days.
- As of June 29, 2020, such a description must be included in student’s IEPs starting at their next next regularly scheduled meeting to revise the IEP (e.g., annual, triennial, transition IEP meetings, etc.).

What has to be included in the Distance Emergency Learning Plan?

- The Distance Emergency Learning Plan must include a description of how a student’s IEP will be provided in emergency conditions. This description must include all of the following: Special education and related services; Supplementary aids and services; Transition services; and Extended school year services, to the extent they apply to the student. The Emergency Learning Plan must include synchronous (live via Zoom, Google Meets, or telephone), unless daily live interaction is not feasible (as explained above), and may also include asynchronous (video models, packets, google classroom) instruction.
- Because BUSD is starting the 2020-21 school year with Distance Learning under emergency conditions, Case Managers, in collaboration with families, will develop Emergency Learning Plans in the first two weeks of school.

**Least Restrictive
Environment**

During distance learning, will students still be mainstreamed into general education classes?

- Yes, students with disabilities will have the same opportunities for mainstreaming as when instruction is in-person—most importantly, for live synchronous instruction, unless it is not feasible or appropriate for your student.
 - In order to ensure mainstreaming occurs, case managers and general education teachers will coordinate schedules in order to provide students with disabilities the opportunity to interact with typically developing peers.
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Progress Reports**Will case managers send out Progress Reports?**

- Yes, during distance learning case managers will continue to monitor your child's progress toward annual goals. Progress reports will be issued to parents or guardians at the same time as report cards for general education students.
- The progress report will document the growth your child is making on their IEP goals during distance learning. If your child is not making progress on a goal, then an IEP team meeting may be convened to discuss this.

Annual IEP Meeting**During distance learning, will the IEP team convene for my child's annual IEP?**

- Yes. Case managers will offer to hold the meeting virtually either by telephone or Zoom/Google Meets, or combination.

What if my annual isn't until the spring but I have concerns now? Can I ask for an additional IEP meeting?

- Yes, contact your case manager about your concerns and request an IEP meeting. Your case manager will respond to the request and schedule a virtual IEP meeting to address your concerns within 30 days of the request.

New and Transfer Students**My child with a disability is transferring into BUSD from another school district/private school. How can I be sure my child will get the right services at his new school?**

- BUSD will follow California Education Code requirements regarding implementing IEPs for transfer students. The requirements vary slightly based on where the student transferred from.
 - As a general matter, the District will provide services comparable to those described in your child's last agreed-upon IEP and will convene an IEP meeting within 30 days to adopt the current IEP or develop a new IEP. Depending on the circumstances, the District may also wish to reassess your child.
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Timeline for completing an evaluation

For the 2020-21 SY, while schools are closed for in-person instruction, is the District planning to complete of students?

- Yes. The District is still planning to complete assessments and comply with assessment timelines to the extent possible. If your child requires in-person assessments and observations, we will be in touch with you to discuss how to proceed in the event conducting those assessments is not possible in light of State orders and public health and safety requirements.

How will the district be completing evaluations?

- BUSD will attempt to complete assessments within applicable timelines to the best of its ability. Additionally, the district and parent/guardians may agree to an extension of the timeline to complete assessments. We recommend parents/guardians work with their assessors to determine the best course of action for their child.

Records Requests

Can I request my student's records during distance learning?

- Typically school districts must provide access to student records within five business days of receiving a parent's request. SB 117 extends the State timeline for meeting these timelines, up until the school reopens and the regular school session reconvenes. However, the bill explicitly encourages LEAs to respond as expeditiously as possible to requests from parents or guardians received during the period of time a school is closed due to COVID-19.
- As BUSD is entering the 2020-21 school year with distance learning, our school sites will provide parents with an electronic copy of all paper and digital records available within five business days of the receipt of the request, or as soon thereafter as possible.

Resources

Where can I find additional guidance?

- **What do I do if I have questions about this FAQ or the *Emergency Learning Plan*?**
 - Contact your student's IEP team.
 - **California Department of Education**
 - [Special Education Guidance for COVID-19 - Health Services](#)
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[& School Nursing \(CA Dept of Education\)](#) (last visited on March 24, 2020)

- [2020 Budget Act and Special Education - Laws, Regulations](#) (July 14, 2020)
 - [Distance Learning Frequently Asked Questions - Distance Learning \(CA Dept of Education\)](#) (August 4, 2020)
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