



San Diego Unified School District Distance Learning Special Education Guidelines

The intent of this document is to provide a framework with considerations for our service delivery model during the COVID-19 pandemic. We recognize that this is an ever-changing situation and school site teams will be flexible to support students and families during these evolving times.

Priorities

Our priorities at this time are:

1. A focus on the health, safety, and welfare of our school communities;
2. To provide thoughtful access to FAPE by delivering services to as many students as we reasonably can in the best way we know how;
3. Maintaining focused, consistent, and detailed data
4. Documenting these efforts to demonstrate a good faith effort for services to support families;
5. Be flexible in our support with a student first process as IDEA was not created for this.

Health and Safety

We will embrace a stance of understanding and compassion for all parents and students depending on where they are in this process. Education is only one aspect for families as they struggle with potential physical and mental needs, economic hardship, technology challenges, and other family responsibilities. We are mindful that adults in the home environment are not formally trained educators and are being thrust into this role. We will partner with parents to provide support at their level of need.

Our priority is to follow safety guidelines first.

- We will continue to follow state mandates of stay put. This includes not entering student homes, delivering equipment or other supplies until it is deemed safe through our district leadership. All tasks should be digital, reducing the need for materials in the home.
- We will model positive behavior for families on-line including hand washing, not touching our face, displaying a calming demeanor, and positive interactions.
- We are also mindful that we continue to be mandated reporters with the same responsibility as when on a school site.
- Personal information should not be shared whenever possible. For example, utilization *67 to block phone numbers or calls from google apps and numbers is recommended.
- We understand that technology is a support, not a driver of education.
- We will work to create high quality instruction through empowered teachers, community through consistency and connection with families.
- We will work to inform and manage expectations for instruction and services through a distance learning plan for each family. A distance learning plan means connecting with families to discuss how services might be implemented during this time and documenting supports, services and attempts.
- We are and will remain open to new ideas through experimentation, adaption, and improvement through creation of feedback loops.

IDEA

The spirit of the IDEA is to ensure each student receives a Free and Appropriate Education (FAPE) and to ensure each student's IEP is developed in partnership with parents. This will continue, and we will continue maintaining equity at the center of our work by ensuring accessibility and providing accommodations. However, the IDEA was not originally built for a global pandemic. At this time we are called to be flexible, conscientious, and coordinated in our support of families. and our effort to provide educational benefit to our students.

Our model through distance learning has shifted towards family supports, as well as individual student supports. We will work with families to develop appropriate and reasonable support for each family. Parents have a range of knowledge and abilities. Our goal is to level the playing field. We are in an ever-evolving state of flux, and we will continue to examine the purpose and spirit of special education law and how we can alternatively achieve that purpose through good faith efforts in light of the current circumstances.

FAPE

Free and Appropriate Public Education (FAPE) will look different in the current environment. This will launch creative thinking as we consider what is appropriate under the current circumstances. Through this work we will:

- Make a good faith effort to provide appropriate services;
- Make a good faith effort to engage with families to determine FAPE;
- Make a good faith effort to tailor instruction for students with special needs;
- Make a good faith effort to determine the level of student support needed for parents;
- Engage in whatever level of consultation is needed to support distance learning.

All of these efforts should be documented and clearly communicated to parents.

SAI Service

The general education environment through distance learning is 120 minutes per day, which is 600 minutes per week. SAI service hours should be proportional to the adjusted school day. Teachers are not expected to provide the same number of SAI hours as they would if instructional minutes were still 1700 minutes per week. Services should be geared toward making continued progress on goals.

Distance learning SAI calculation example.

- Children receive approximately 1700 minutes per week of general education instructional minutes.
- If a child has 5 hours of SAI in their IEP (300 weekly minutes), you would use this process to approximate the weekly SAI services:
 - 300 minutes of 1700 minutes is approximately 18% of the week.
 - 18% of the general education instructional weekly minutes is 600 minutes.
 - The educator would provide no more than 1.7 hours of SAI per week (18% of 600 weekly minutes is approximately 1.7 hours)
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As a reminder, SAI includes any combination of direct services, collaboration and/or consultation.

Low Incidence and Related Services

The following outlines services and supports to be provided during distance learning in a way that is equitable to teachers. Providers daily schedule shall not exceed 240 minutes of direct instruction and flex time. For example, an SLP who has 55 students may only be able to provide direct service to 20 students per week to not exceed 240 minutes per day.

Collaboration with teachers to design lessons with Universal Design for learning practices to ensure access. This may include designing accessible lessons through accommodations and/or modifications, providing home school collaboration for intervention, participating in IEP activities, and engaging in professional development.

Co-Teaching includes collaboration with teachers and other staff for discipline specific lessons including social/emotional, physical, or mental health needs.

Sessions (Individual or Group) will be provided through scheduled sessions (specific time) outlined with parents in an agreed upon method.

Feedback provided through a predetermined site team system to identify staff and family needs.

Assessments will be determined through team collaboration to determine data collection methods needed for distance assessment. Data unable to be collected (e.g. standardized assessments) will be noted and assessed in the fall.

Flextime can include preparation of lessons, home collaboration and support, development of IEP's, IEP meetings, collaboration with team members, and engagement in professional development.

Preparing for the Launch of Distance Learning

Over the next few weeks, SDUSD staff will work to call, email, and contact families to determine what is needed and create a distance learning plan in an effort to tailor instruction. This is a time to check in to determine level of comfort, technology needs, and general information about where they stand in this process. It is a time to communicate our intent to parents where they should see and understand the process. We can also give activities to parents to support student needs and goals during the soft launch. All parents may struggle with this and we need to simplify the process and go stage by stage. Asking parents what they are comfortable taking on will help in the design of home instruction. It is also a time for staff to become comfortable with technology platforms through training while designing instruction to meet the needs of individual students.

Legal Considerations

In regard to legal considerations, a national crisis requiring distance learning does not constitute a change of placement. Typically, a change of placement is triggered by the district or team proposal or parent request, not a natural phenomenon. Therefore, we are not recommending amending the IEP to specifically address distance learning, unless parents or team members request this; however, we must continue to respond to parent requests and concerns. All efforts to provide instruction and services and/or to address parent concerns or requests for IEP meetings should be documented showing our good faith efforts and due diligence to connect with families. Teams will determine what assessments are needed. Standardized assessments can not be done remotely, and may have to resume when physical school resumes.

HIPAA/FERPA.

The Health Insurance Portability and Accountability Act (HIPAA) provides protection regarding the transfer of health information. OCR has announced it will "exercise its enforcement discretion and will not impose penalties for noncompliance with the regulatory requirements under the HIPAA Rules against covered health care providers in connection with the good faith provision of telehealth during the COVID-19 nationwide public health emergency." "A covered health care provider that wants to use audio or video communication technology to provide telehealth to patients during the COVID-19 nationwide public health emergency can use any non-public facing remote communication product that is available to communicate with patients".

The Family Educational Rights and Privacy Act (FERPA) refers to family rights to access student records and have control over disclosure of personal identifiable information. Since FERPA refers to the release of information, distance learning in the home does not violate FERPA with instruction. Recommendations from the state have recommended waivers related only to distance learning platforms. However, we also need to be cognizant of not releasing personal information on-line, posting passwords, pictures or recording when in small groups. Considerations for individual sessions with students should also include a secure connection, safe setting, communication of expectations, safety precautions, and reduction in access to others in both staff and student environments. We should also consider and avoid any potential copyright infringement.

Documentation

One important aspect of this process will be to document interactions, progress, and needs. Staff will maintain logs on student contact, note needs of each family, consider feedback, and reflect on what is working and what needs to be shifted. School staff will document contact with families in regard to distance learning plans which are not part of an IEP.

The purpose of Distance Learning Plans will guide expectations for parents and staff during distance learning. Please maintain a good faith effort in keeping notes around conversations and services you may be providing during distance learning. Site teams can help Ed Specialists decide how they are capturing documentation and which students they are monitoring. We also understand some families may not be open or ready for distance learning, so we will document the contact attempts and continue to follow up in the event the circumstances change. Procedures will look different right now, so we are putting our intent in the forefront of decisions.

We appreciate the care and concern families and district staff have moving through this process and will continue to make improvements through the process.

References

Counsel for Exceptional Children <https://www.cec.sped.org>