Navigating the COVID-19 Crisis

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Julie Weatherly, Esq., Resolutions in Special Education

Moderated by: Phyllis Wolfram, Executive Director, CASE

April 17, 2020

#WeKeepLeading
1. Welcome and Introductory Comments
2. Introductions
3. Some Reminders: 4 Priorities
4. Updates from Washington
5. Considering ESY in the context of COVID 19: It's all about the data
6. The Definition of Compensatory Ed: When it does and does not apply
7. COVID 19 Impact Considerations
8. Questions
Presenters for Today

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Welcome and Introductory Comments

Phyllis Wolfram Executive Director
Twitter: @phylliswolfram
Real Talk

Disclaimer:

The information we are providing today is the best we know at this moment.

- It might change by the end of the webinar based on additional guidance.
- It could change by next week or if things change.
- States have specific guidance which should be reviewed as well.
We Are In This Together!

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Four Priorities for Special Education:

1. Focus on the safety, health, and welfare of students and staff members in your community.

2. Provide FAPE - Deliver services to as many students as you reasonably can in the best way you know how.

3. Document your efforts; make sure documentation is focused, consistent, detailed and demonstrates a good faith effort to provide good services.

4. Compliance during the pandemic - IDEA wasn’t built for this.
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Acting to Support Flexibilities

Temporary and Targeted Flexibility Is Necessary

- CASE sent a letter to Congressional leaders to support flexibilities under IDEA to address the challenges of COVID-19.

- We’ve begun to share it on social media and ask that you do the same.
Acting to Support Flexibilities

Temporary and Targeted Flexibility Is Necessary

- We need your help to get the message out there:
  - Go to: https://bit.ly/CASETweets
  - Like and Retweet the pinned tweet
  - Tag Your Member of Congress using the hashtag #WeKeepLeading
  - Congressional Twitter Handles Available at https://bit.ly/CongressionalHandles
April 17, 2020

An Example of How You Might Tag Your Member of Congress

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Acting to Support Flexibilities

Temporary and Targeted Flexibility Is Necessary

- We will release an action alert to be sent by members to your members of Congress in the next week.
- We will also be utilizing every aspect of social media and will provide you resources to do the same.
- On Wednesday, we will be holding a briefing for members of Congress and their staff about these flexibilities.
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Updates from Washington DC

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CASE Policy & Legislative Consultant
Twitter: @myrnamandlawitz

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CURRENT RESOURCES & WHAT’S COMING


● Federal government documents:
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## CARES Act - K-12 Funding Summary

<table>
<thead>
<tr>
<th></th>
<th>Elementary and Secondary School Emergency Relief Fund</th>
<th>Education Stabilization Fund Discretionary Grants</th>
<th>Governor’s Emergency Education Relief Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Amount</strong></td>
<td>$13.5 Billion</td>
<td>$307 Million</td>
<td>$3 Billion</td>
</tr>
<tr>
<td><strong>Formula</strong></td>
<td>Title I</td>
<td>?</td>
<td>Population &amp; Poverty Concentration</td>
</tr>
<tr>
<td><strong>Distribution</strong></td>
<td>State Agencies</td>
<td>Governor’s Offices in states hardest hit</td>
<td>By Governors Offices</td>
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What’s Happening in “Washington”?  

- Report from Secretary DeVos on flexibilities is due to Congress by April 26, 2020.

- Groups lining up on both sides of the issue
  - NCLD, National Disability Rights Network, COPAA, and between 80 and 300 other advocacy groups have signed letters against “waivers”
  - NAESP, NASSP, CASE, and NASDSE

- Congress is not coming back until at least May 4, 2020

- Work and negotiations being done on a CARES II
Considering ESY in the context of COVID 19: It's all about the data

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Twitter: @vteducator

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What Does The Data Suggest?

Recent NWEA Research

- When students head back to school next fall, overall they are likely to retain about 70 percent of this year’s gains in reading, compared with a typical school year.
- Less than 50 percent in math.
- Losses are likely to be more pronounced in the early grades and among those already facing steep inequities.
Extended School Year Requirements

Think it through for the pandemic

● As written in IDEA regulations, ESY is left to states to define and it is required for students if it is necessary to receive FAPE as defined by the IEP Team.

● States will have more specific guidance about which students should be eligible for ESY.
Extended School Year Requirements

Think it through for the pandemic

- Regression over the summer was a significant reason ESY was added to IDEA and is present in many state definitions.

- ESY was not designed to resolve issues created by a pandemic.
## Considering ESY in Light of COVID-19

**June 2019 - Point the Schools Closed**
- Analyze the data and determine student progress at the point schools closed.
- Consider ESY based on prior regression data at this point. (these students have already been identified or decided through a typical IEP meeting)

**March 2020 - June 2020 COVID-19 School Closures**
- Maintain documentation of what services were offered.
- Maintain documentation of what services were delivered.
- Collect solid data on IEP goal progress across the time frame services are delivered under distance learning frameworks.

**June 2020 - August - 2020**
- Implement summer services based on regression analysis to avoid further regression
- Analyze COVID Impact
- Plan for the Fall with curriculum mapping and remapping
- Hiring and changes in staffing
The Definition of Compensatory Ed: when it does and does not apply

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<table>
<thead>
<tr>
<th>What's Appropriate?</th>
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<tbody>
<tr>
<td>Understanding where students enter and leave COVID 19 closures or distance learning as it relates to the IEP goals will be important.</td>
</tr>
<tr>
<td>IDEA was not built for this. Loss due to a pandemic are not contemplated under IDEA.</td>
</tr>
<tr>
<td>Upon return to school analysis of where students were performing upon school closure compared to where the enter in the fall.</td>
</tr>
<tr>
<td>Develop IEPs for next year to address where students are and attempt to address the loss of skills due to COVID 19 through that IEP.</td>
</tr>
<tr>
<td>Additional CARES funding may be able to support additional serviced needed in IEPs to do this work.</td>
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<tr>
<td>Individual districts might choose to address loss during the summer if students are able to be in session in addition to ESY above and beyond IDEA requirements.</td>
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Legal Consideration in this "Phase" of COVID-19 Service Implementation

Julie Weatherly, Esq.
Resolutions in Special Education
Twitter: @jweatherlyesq
COVID-19 Service Implementation

- Whether or not flexibility is provided with respect to procedural compliance during COVID-19, do not be paralyzed by the thought of procedural violations and legal compliance.

- Continue to exercise good "PR" and "customer service" skills. Compassion, Communication and Collaboration will lessen complaints and lawsuits.
COVID-19 Service Implementation

- Now that the end of the school year is getting close, begin thinking about making those individualized determinations regarding each student's need for Extended School Year services.

- Follow state/local guidelines as best you can when making good faith recommendations/offers for ESY services. Offer ESY when needed, even if parents don't want it.

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COVID-19 Service Implementation

- Don't worry right now about "compensatory services"—better named COVID-Impact Services ("CIS"). There will be time for that when school buildings reopen.
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Questions for Presenters

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To stay up to date on resources and information visit:

www.cec.sped.org

www.casecec.org

#WeKeepLeading
Thank you for participating in the webinar today.

Connect with CASE next Friday:

April 24, 2020 - 12:00pm CST