

Gardner Public Schools

Joyce West, Director of Pupil Personnel



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SPECIAL EDUCATION UPDATE

Dear Families,

I hope this letter finds you well during this unprecedented time in our country. The District appreciates your patience and cooperation as we have had to navigate changes to guidance from The United States Department of Education (DOE) and The Department of Elementary and Secondary Education (DESE). I would like to update you regarding special education services as guidance from these state and federal authorities has changed.

DESE's initial response to the Covid-19 school closure guided districts to provide enrichment activities that took into account student needs, including students with disabilities. Much of this first prong of support and resources to students with disabilities have been identified and provided to families as part of teachers' initial efforts to provide enrichment.

The District is now charged with initiating a higher standard of remote learning to all students, which will begin next week. As defined by DESE, "remote learning is not synonymous with online learning", rather remote learning is a term to indicate that the students and teachers are in different locations. It may include both online and offline options.

For students with disabilities, the District will identify how more direct individualized services can be provided and how to implement this higher level of service. The District will determine what special education services can be provided to each eligible student, and how these services will be provided remotely through individual distance learning plans. What this service looks like will vary widely depending on student needs and teacher determination to support student learning and progress toward skill attainment based upon the individual student's IEP. Over time, as our capacity builds for remote learning, these services may change or increase in which the distance learning plans may be adjusted.

As guided by DESE, the District will not need to convene IEP Teams to make the determination, but parents should be notified of what special education services will be provided. When doing so, however, there can be no reasonable expectation that districts will be able to replicate an individual student's special education program or provide all of the individual services set forth in a student's IEP. Parents can expect teachers to share the distance learning plans for your child next week.

IEP MEETINGS

During this period of school closure, the District is providing the following updates regarding IEP meetings and timelines:

Annual Meetings

Gardner Public Schools Special Education Administrators or their designee at each building will be in contact with parents relative to any upcoming annual IEP Team meetings to discuss the possibility of holding virtual team meetings via video conference or telephone conference call. While we will be making efforts to conduct such meetings virtually in order to continue to comply with any applicable special education timelines, it is both important and necessary that you as parents are comfortable with

proceeding in such a manner. Accordingly, we will be requesting your specific authorization prior to convening your child's IEP Team and to the sharing of necessary documents electronically with participating Team members at the time of the meeting. If you are not comfortable with convening your child's Team via video conference or telephone conference, we will ask you to confirm that in writing and to agree to postpone the meeting. For meetings that are not convened during school closure, the IEP remains active under "stay put". These postponed meetings will be scheduled when schools are reopened. Finally, please do note that the District will not be convening IEP Teams, virtually or otherwise, to consider any requests for compensatory or additional services arising from the current school closures until District schools are reopened.

RE-EVALUATION AND INITIAL MEETINGS

At this time, because school is effectively closed, we are not bound to the timelines for an initial special education meeting. We are considering this carefully as we do not want to exclude or deny any student the right to be evaluated for Special Education, therefore, we will be considering each case separately and may proceed with evaluation determination meetings in some cases where the District's testing has already been completed.

During a typical three-year evaluation, a student is usually evaluated using standardized tests and other formal assessments. At this time, we feel that conducting these assessments remotely would disrupt the validity of the test. Therefore, to the extent that a re-evaluation meeting can, as determined by the District, be conducted, the information to be considered in determining a student's continued eligibility for special education services would likely consist of data that is drawn from existing special education records and the student's progress to date this year. Such a re-evaluation would not, under the Department of Elementary and Secondary Education's current guidance, require written parental consent. However, as partners in this process with you, it would be our intent to discuss with you how the District would proceed in this manner. In addition, it should also be noted that the Individuals with Disabilities Education Act (IDEA) does also allow for parents and the District to waive, by a written agreement, the need for a student's reevaluation. While such waivers are not the general practice of the Gardner Public School District, under the current circumstances, there may be limited circumstances under which the District may agree that a re-evaluation of a student's eligibility is unnecessary.

IEP MEETING EXPECTATIONS FOR PARTICIPANTS

Parents that agree to participate in virtual IEP meetings. Please read the following as your participation denotes agreement to the following:

By participating in the meeting, all parties agree to the following:

The parties hereby agree to hold the IEP Team meeting remotely. The parties acknowledge and agree that the IEP Team meeting is being held remotely due to Governor Baker's Executive Order which prohibits in-person instruction and educational operations until May 4, 2020 while schools are closed due to the Executive Order.

By participating in the remote IEP meeting, the participants agree not to save, record, share, or post the IEP meeting.

The parties acknowledge that, due to rapidly evolving events in connection with the current state of emergency, they have not been able to fully determine the extent to which the remote meeting platform complies with Massachusetts student privacy and digital privacy laws, as well as the Family Education Rights and Privacy Act. Also be aware that the following agreement/guidance for

Virtual IEP meetings includes your agreement to the additional attached document, Disclaimer-Student/Parent Participation in Virtual Live Remote Learning.

The District will take all reasonable measures to preserve your privacy and the privacy of your child, and each of our educators will continue to maintain the privacy of your child's student record information.

The Parents/Guardians agree to excuse the District from strict performance of IEP timelines which are not feasible pursuant to governmental directives arising from or related to COVID-19 pandemic issues.)

I apologize for the length of this notice; however; thought it best to provide you with as much as we know to date. We do anticipate reaching out to you again as the current situation evolves and as we receive further guidance from both the Massachusetts Department of Elementary and Secondary Education and the United States Department of Education. On behalf of the District administration and staff, we look forward to working collaboratively with you to address the needs of our students.

Respectfully,

Joyce West, Director of Pupil Personnel Services