

## Considerations for supporting a successful start to the 2020-2021 school year for students with disabilities

To successfully launch the 2020-2021 school year for students with disabilities, state education agencies (SEAs) have an essential leadership role to play in supporting local school systems to plan for multiple scenarios, including services delivered in person, through distance learning, and via blended approaches.

There are two overarching categories to think about as states support districts and other local school systems with planning:

1. **Learning Considerations** for individual students and student groups
2. **Legal Considerations** for meeting compliance obligations under IDEA

Across the country, local context and conditions for school reopening will vary *across* states, and possibly also be different *within* states. Accordingly, strong state leadership will extend to support a variety of individual circumstances. This leadership includes the need to support local systems to develop and implement clear plans for how they will ensure a Free Appropriate Public Education (FAPE) for students with disabilities within context-specific service delivery models and approaches. This document identifies some key concepts for school launch as particularly focused on students with disabilities, and suggests questions that SEA leaders should consider to support local system success. These considerations are not the be-all, end-all; this document serves to flag some of the most important things for SEAs to address and can be useful for SEAs across the country.

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### Effective Planning for **Learning Considerations**

The following systemic considerations are fundamental in effectively planning for learning that meets individual and student group needs.

- New **baseline data** will be needed to support instructional planning for individual and student groups
- **Universal Design for Learning** (UDL) should form instructional foundation for all students
- **Inclusive practices** should be well thought out to ensure that special and general education teachers are partnering to plan and provide effective instruction
- **Intensive interventions** should be planned and provided — for individual students and for student groups — based on data and guided by evidence-based practices
- **Progress monitoring** will be needed to guide next steps in planning and providing instruction and interventions

Following are premises for SEA leadership and associated guiding questions SEAs should address as they work to support local school systems to successfully address the systemic considerations outlined above.

| Premise  | Guiding Questions for SEAs   |
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| High expectations could be at risk for students with disabilities unless intentional efforts exist to sustain them.                                  | <ul style="list-style-type: none"> <li>• What policy decisions is your SEA contemplating with regard to participation in and exemption from otherwise required educational endeavors (e.g., assessment, standards-based instruction, attendance, grading, etc.)?</li> <li>• Are you ensuring that you are not lowering the bar for students with disabilities?</li> </ul>  |
| Service delivery will likely look very different from historical models.   | <ul style="list-style-type: none"> <li>• Are state policy revisions needed to enable new service delivery scenarios?</li> <li>• How are/can you support local school systems to innovatively collect, monitor, and respond to students' databased needs?</li> <li>• How are you advising local systems about differential approaches for various student groups (e.g., students with intellectual disabilities who participate in comprehensive life skills programs)</li> </ul>   |
| CARES Act funds can be used to meet emerging needs for students and staff.   | <ul style="list-style-type: none"> <li>• What guidance have you developed and/or do you need to develop to support strategic resource planning and use?</li> <li>• Have you designated specific point(s) of contact for questions about CARES Act spending?</li> </ul>   |
| Multi-Tier Systems of Support (MTSS) can provide a seminal structure for launching 2020-2021 in ways that support quality learning for all students. | <ul style="list-style-type: none"> <li>• What is your SEA doing to sustain/grow/improve/incentivize district and school implementation of MTSS?</li> <li>• What guidance are you giving relative to:               <ul style="list-style-type: none"> <li>• Data collection?</li> <li>• Instructional planning (including intensive interventions)?</li> <li>• Progress monitoring?</li> </ul> </li> <li>• Does your SEA provide guidance for integrated systems of support that attend to both academic <i>and</i> behavioral/social emotional data and planning? What can the agency do to enhance capacity for integrated systems?</li> </ul> |
| Educators need support to ensure Universal Design for Learning is in place in distance and school-based settings.                                    | <ul style="list-style-type: none"> <li>• How is your SEA guiding general education teachers to understand and use UDL as a foundation for all instruction?</li> </ul>  |
| Inclusive practices are possible in virtual and blended models and must be intentionally planned.  | <ul style="list-style-type: none"> <li>• What guidance are you providing on approaches such as:               <ul style="list-style-type: none"> <li>• Virtual co-teaching?</li> <li>• Data sharing and instructional planning among IEP team members when not in the same building at the same time?</li> </ul> </li> </ul>   |

## Effective Planning for Legal Considerations

The following systemic considerations are fundamental in effectively addressing legal considerations driven by federal and state statutes and regulations.

- **Compensatory education services** are additional services offered to students with disabilities to make up for progress or skills lost due to a lapse in services. Compensatory education services are conceptually different from considerations such as Recovery Services, Continuity of Learning Plans, etc.
- IEP amendments, revisions, and documentation remain important to **ensure that students' rights are protected** and that **decisions are made by schools and families in partnership**.

| Premise  | Guiding Questions for SEAs   |
|--|--|
| <p>The sudden and unexpected shift to virtual learning may have impacted some of the special education and related services provided to some students with disabilities.</p> <p>Compensatory education decisions will be needed for individual students.</p> | <ul style="list-style-type: none"> <li>• What guidance has your states developed regarding compensatory education?</li> <li>• Does the guidance:               <ul style="list-style-type: none"> <li>○ Define and clarify the difference between compensatory education and any other recovery related services?</li> <li>○ Support local school systems with determining a process for making compensatory education decisions, understanding the legal construct of the term?</li> <li>○ Help local school systems to put proactive measures in place to mitigate the need for compensatory education?</li> </ul> </li> <li>• How are you ensuring effective communication of the guidance to your local school systems?</li> </ul> |
| <p>Partnering with families and other advocates should be a top priority for state and local leaders.</p>  | <ul style="list-style-type: none"> <li>• What approaches is your SEA taking to ensure clear and consistent communication that meets the needs of educators, family members, and policymakers?</li> <li>• How are you leveraging your Special Education Advisory Panel (SEAP) to gather input, disseminate critical messages, and propel partnerships focused on solutions?</li> <li>• Are you providing your local systems with a sample communication plan and related materials?</li> </ul>  |
| <p>Strategic resource planning is of heightened importance.</p>  | <ul style="list-style-type: none"> <li>• How is your state working with school systems to provide clear guidance on how to:               <ul style="list-style-type: none"> <li>○ Leverage funding sources?</li> <li>○ Provide as many proactive supports as possible to ensure students are prepared for success?</li> <li>○ Mitigate the need for extensive compensatory education services.</li> </ul> </li> </ul>   |

*Legal Considerations, continued*

| <b>Premise</b>  | <b>Guiding Questions for SEAs</b>   |
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| IEP processes should be followed to ensure students' due process protections. | <ul style="list-style-type: none"><li>• How is your SEA guiding districts to:<ul style="list-style-type: none"><li>○ Determine whether IEPs should be amended or revised or implemented as is?</li><li>○ Use new data to inform new present levels of educational performance?</li></ul></li></ul>  |
| State leadership is paramount for local system success.                       | <ul style="list-style-type: none"><li>• What actions are you taking to ensure your SEA is supporting local school systems with clear and nimble guidance on legal considerations and learning needs?</li><li>• How are you engaging in routine and clear communication and helping local leaders to:<ul style="list-style-type: none"><li>○ Understand their unique circumstances?</li><li>○ Get the situation under control where needed?</li><li>○ Determine the best path forward?</li></ul></li></ul> |

**Conclusion**

Launching the 2020-21 school year will, of course, be unprecedented in terms of anything education leaders, stakeholders, and policymakers have had to face in our time. Strong partnerships with districts and local school systems will be essential for engaging in the best possible planning and implementation efforts. State Special Education Directors and staff have a pivotal role to play in supporting integrated systems analysis, thinking, and design. NCSI hopes these guiding considerations, premises, and questions will be useful as state leaders continue to lead the way for students with disabilities across the country. If you have suggested improvements to this resource, please contact us ([ncsi@wested.org](mailto:ncsi@wested.org)). Individualized technical assistance in this arena is available for those who would like support. Please contact your state's designated TA Facilitator, or NCSI Leadership.