



ARD Guidance and Contingency Plans During Remote Learning – Summer of 2020



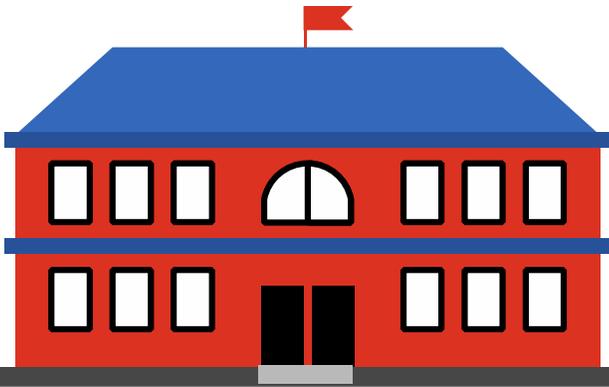
True North Statement



Together, we are committed to high expectations and strong systems that achieve equitable outcomes for every student with a disability.



In planning for the potential need for remote delivery of educational services (including special education and related services), **Local Education Agencies (LEAs) must ensure FAPE to students with disabilities and implement the requirements of the Individuals with Disabilities Education Act or IDEA and state law.** LEAs and school staff will want to prioritize decisions and actions based on health and safety first, to include communication with staff and families.



Audience



District Special Education Leadership



Campus-Based Special Education Leadership



School Administrators



Teachers and Direct Instructional Staff

Guiding Questions - Objectives



How should shifts between face-to-face learning and remote learning be documented during an Admission Review and Dismissal (ARD) meeting?



What should be covered in a contingency plan?



How should services be documented and communicated to parents in situations where there is remote instruction?



Instructional Definitions

Remote instruction happens when curriculum is taught through other means that are not face-to-face. Remote instruction can take a variety of forms that can include online or virtual instruction, packets and book work at home for students. Teacher support can look different as well including email, phone, video conference, and written correspondence.

Instructional Definitions

Virtual Instruction includes electronically transmitting class materials, special education services and all IEP components to students via on-line formats.

Five Key ARD Considerations During Remote Learning



ARD Committee Considerations During Remote Learning

1

Districts **MUST** conduct ARD meetings, stay in compliance with timelines, communicate ARD decisions, and document communication.



ARD Committee Considerations During Remote Learning

2

All required members of ARD committee **MUST** be present virtually – unless parent/guardian has given written permission for an excusal.



ARD Committee Considerations During Remote Learning

3

Parents/guardians **MUST** be given 5-day prior written notice unless waived.



ARD Committee Considerations During Remote Learning

4

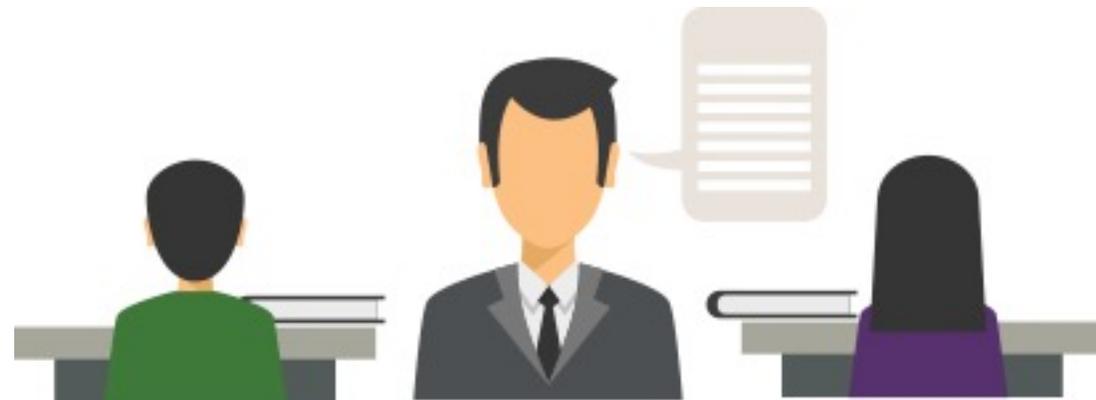
The Guide to the ARD Process and The Notice of Procedural Safeguards **MUST** be provided to the parent/guardian as required by federal and state law once annually. Offer to send these documents by email or mail and/or offer a website where the parents/guardians may be able to find them. Document your efforts.



ARD Committee Considerations During Remote Learning

5

Parents/guardians always have the option to request a face-to-face meeting once schools re-open.



Annual ARDs During Remote Learning

Annual ARDs must be held within timeline – communication with parents and document all reasonable efforts to follow timelines.

ARD Meeting can be broken into two discussion areas:

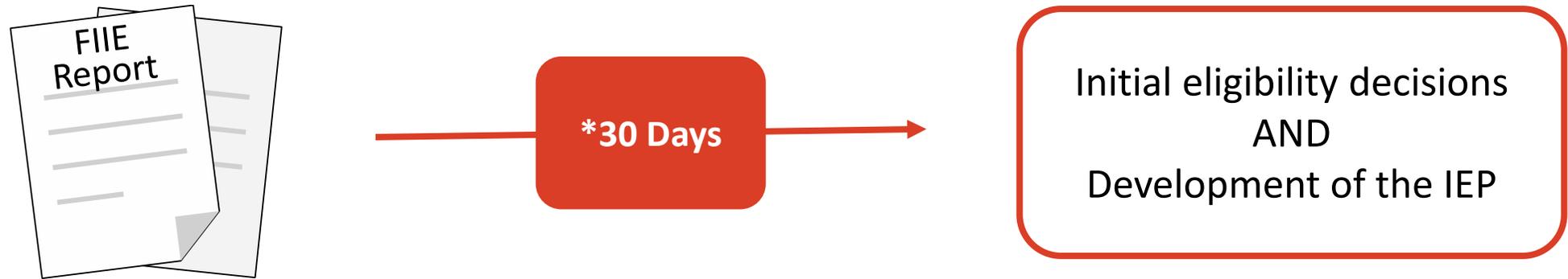
- What support and services provide FAPE when the student is physically at school.
- What FAPE looks like during remote learning.

*These discussion areas are **not** the only components of an annual ARD meeting. All ARD requirements must be met.



Initial ARD Meetings During Remote Learning

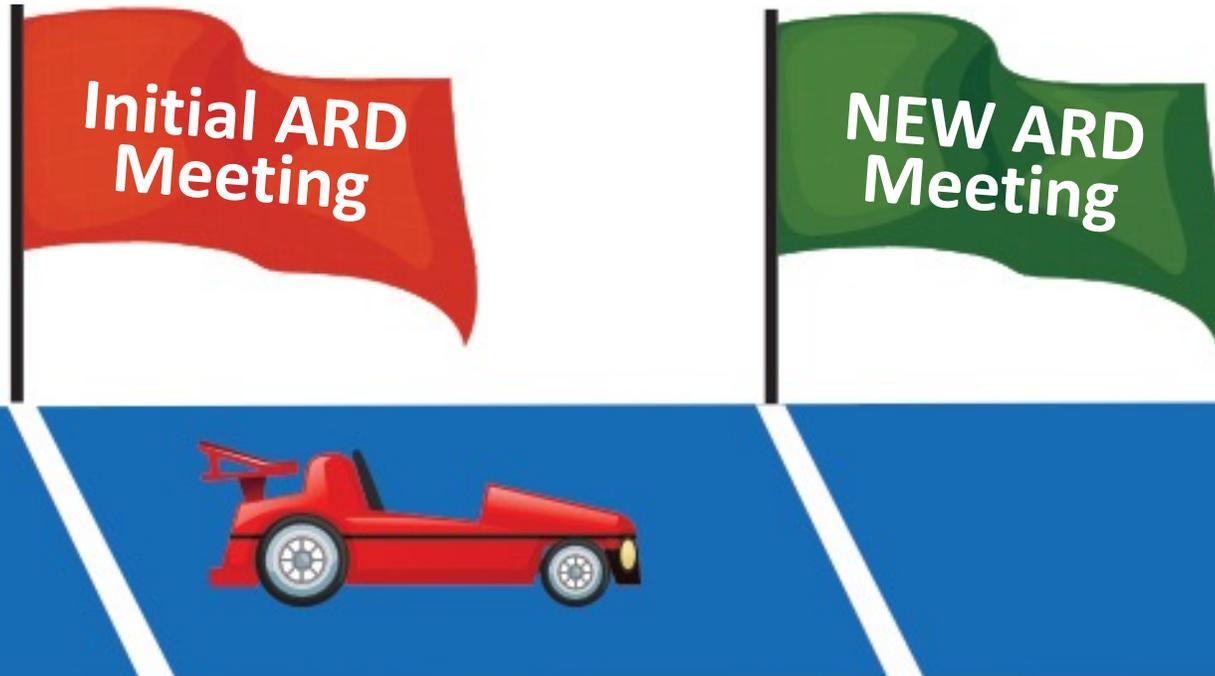
The ARD committee must make initial eligibility decisions and develop the IEP within 30 days of the FIE report.



Schools must communicate with parents/guardians and document all reasonable efforts made to follow timelines.

Initial ARD Meetings During Remote Learning

If the 45-day evaluation timeline has passed for an initial ARD meeting:



The FIE is out of compliance. Plan to hold the meeting as soon as possible.

It is NOT recommended to hold an initial ARD for eligibility determinations based on incomplete initial FIE.

Initial ARD Meetings During Remote Learning

Schools will review the evaluations currently in process and/or initiated but not completed by having teams of qualified professionals determine the following:

- Which, if any, of the components of the evaluation have been completed or initiated.
- If any components of the evaluation can be completed remotely.



Evaluations During Remote Learning



If the LEA cannot complete all components of a Full Individual and Initial Evaluation (FIIE) face-to-face during remote learning related to an emergency as it would have in typical circumstances an LEA ***should create a plan.***

Plan for Remote Evaluations

In your plan:

1

Consider what additional general education interventions and supports may be initiated.



2

Provide intervention and document carefully.



3

Promptly discuss with the guardian if portions of the evaluation can be completed without face-to-face interaction.



4

Plan with the parent how best to obtain information for evaluation.



5

Carefully document all stages of this process.



Conducting Remote Evaluations

For more information on Evaluation during remote learning please refer to the Summer 2020 Evaluations webinar on the Child Find Network site at the link provided:

direc.to/epVS



Considerations for Conducting Summer 2020 Evaluations

While Implementing Health and Safety Measures Related to COVID-19

Student Placement During Remote Learning

Transitioning from face-to-face instruction to remote learning is **NOT** a change in placement, rather a change in the delivery method of instruction.

- If an ARD committee is considering a change to the IEP that would create a change in placement, then the LEA **must** convene the ARD committee.
- The student's parent and the LEA may agree to amend the IEP to include a Special Education Contingency Plan in the IEP so long as the amendment is done after the student's annual ARD committee meeting and does not change the student's educational placement.

IEP Amendments During Remote Learning



- Amendments because of transition to remote learning do not require an end date, but the IEP should clearly document that the agreed upon temporary changes to supports and services cease when students return to campus.
- An amendment requires communication and a written document to amend or modify the IEP.
- An amendment may be used for changes made to the IEP after the annual ARD meeting for a school year.

ARD Committee Disagreements During Remote Learning

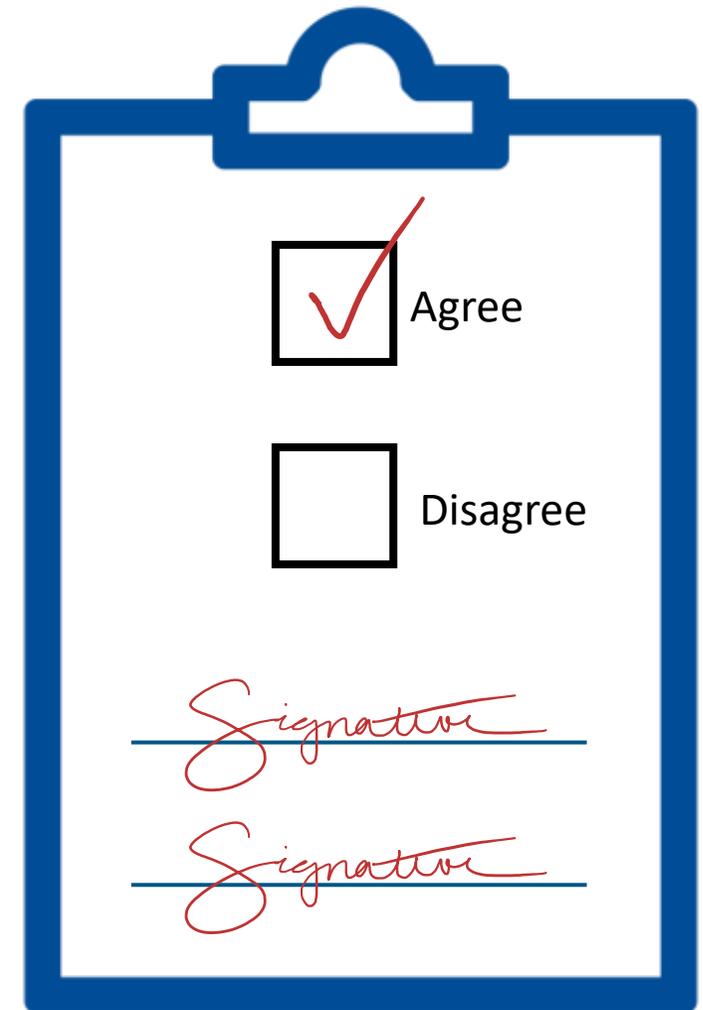
The ARD committee must follow normal procedures if the ARD ends in disagreement.

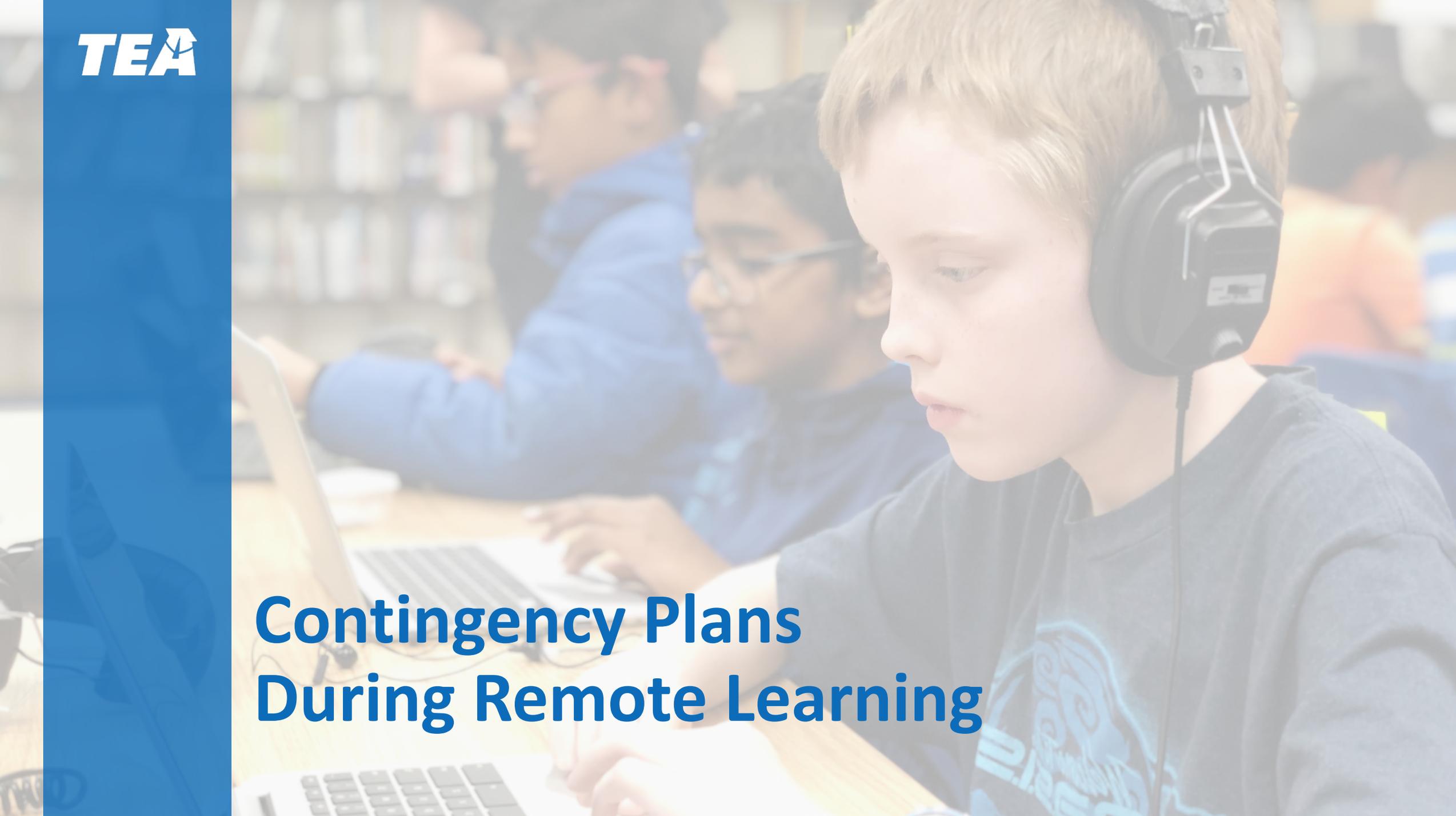
- Recess not to exceed 10 school days – unless mutually agreed otherwise.
- When mutual agreement is not reached, a written statement of the basis for the disagreement must be included in the IEP.
- LEA must provide 5-day prior written notice.



Signatures During Remote Learning

- Plan to communicate how you will document agreement or disagreement on the signature page.
- Clearly document any member's agreement or disagreement in the IEP.
- Parents may agree or disagree to ARD paperwork orally, over the phone or video conference.



A photograph of a classroom where several students are seated at desks, working on laptops. The foreground shows a young boy with blonde hair wearing large black headphones, looking intently at his laptop screen. Behind him, other students, including a girl with glasses, are also working on their laptops. The background is slightly blurred, showing bookshelves and other students in the room. The overall scene is brightly lit, suggesting a modern, technology-focused learning environment.

Contingency Plans During Remote Learning

“

Contingency planning is a management tool used to analyze the impact of potential crises and ensure that adequate and appropriate arrangements are made in advance to respond in a timely, effective and appropriate way to the needs of the affected population(s).

- Inter-Agency Contingency Planning Guidelines for Humanitarian Assistance, 2007

”

What is a Contingency Plan?

A process that includes:

1

Evaluating possible emergencies and their impact and consequences

2

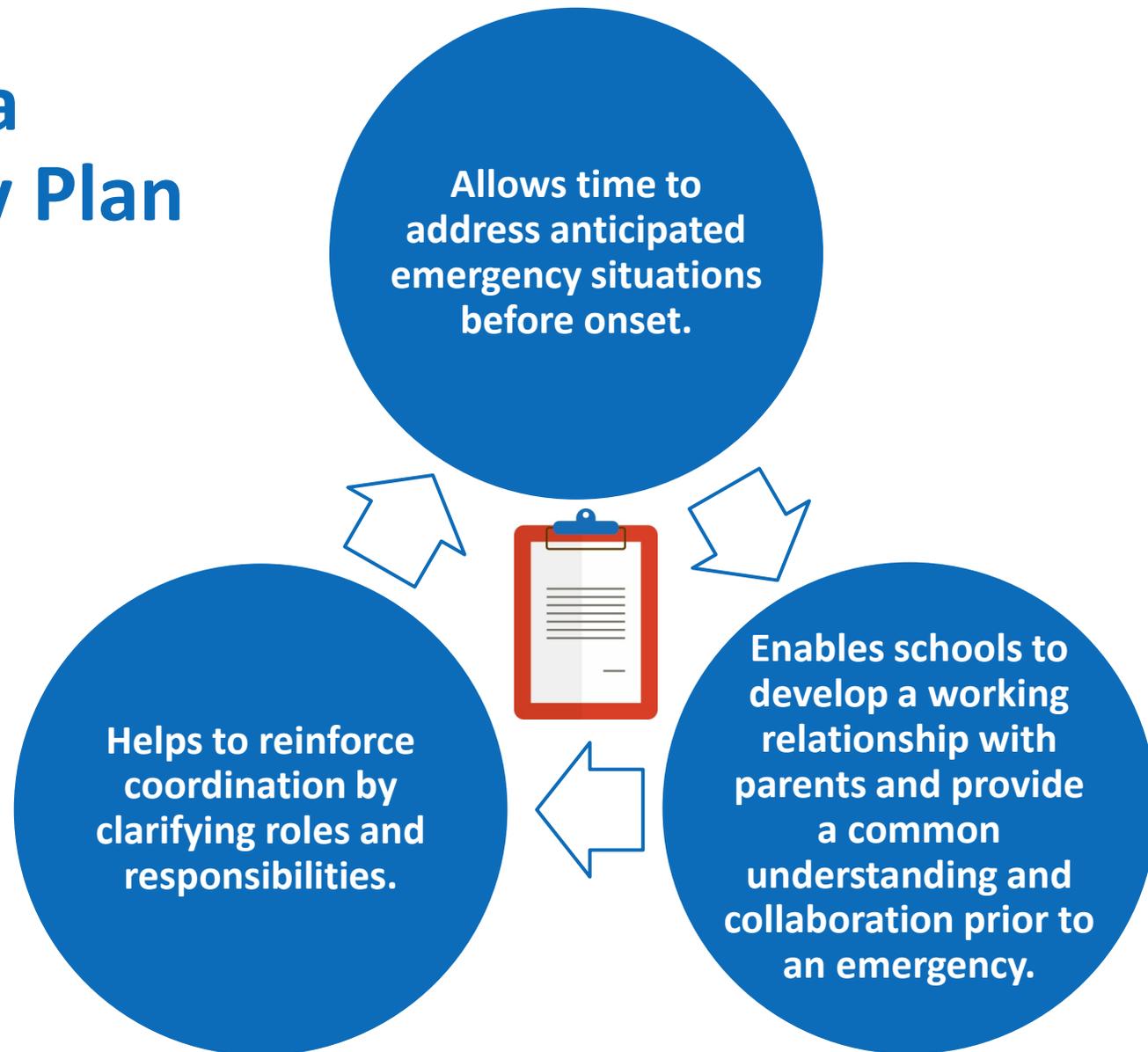
Establishing clear objectives, policies, and procedures

3

Ensuring that agreements are recorded and that necessary actions are taken

- Inter-Agency Contingency Planning Guidelines for Humanitarian Assistance, 2007

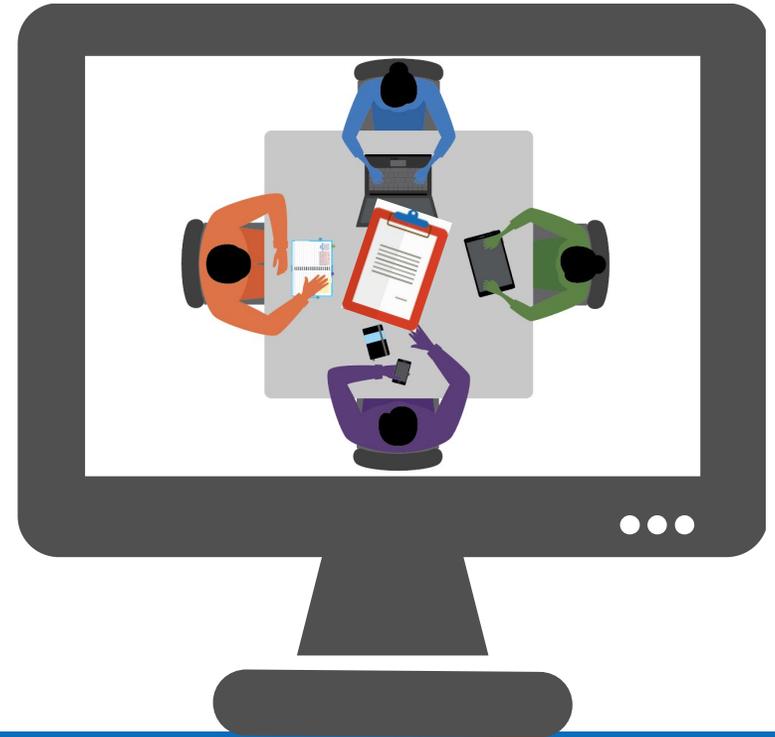
Benefits of a Contingency Plan



Who Should be Involved in Creating a Contingency Plan?

An ARD committee meeting to develop an IEP that will serve as a contingency plan must be conducted in the same manner as any other ARD committee meeting.

The parent and the LEA may agree to make the changes by amendment outside of an ARD committee meeting and develop a written document to amend or modify the current IEP.



Developing the Contingency Plan

- Identifying and Evaluating Possible Risks
- Discuss Options
 - Roles and Responsibilities
 - Resources Available
 - When the IEP Contingency Plan is Active



Resources Available to Families

Who is responsible for ensuring families get what they need?



What internet services, devices, or resources are needed?

How will the family get the resources they need in an efficient and safe way?

Contingency Plan Template

TEA has a possible contingency plan template for IEPs that LEAs can use:

Link: direc.to/epMU

Schools may choose to use this form if it is helpful when addressing the provision of temporary special education services.

Effective dates for this plan: Date _____ until campuses reopen.

Name of LEA
SPECIAL EDUCATION DEPARTMENT

SPECIAL EDUCATION EMERGENCY CONTINGENCY PLAN

*This form may be used to document the temporary special education services that are feasible and safe to provide to an individual student while a local education agency (LEA) is closed but continuing to provide instruction during the COVID-19 pandemic. While some or all of the information recorded in this document may come from the student's individualized education program (IEP), this form is not intended to serve as, or to replace, the most recent IEP agreed upon by the student's admission, review, and dismissal (ARD) committee. **Without documented parent/guardian agreement under 34 CFR 5300.324 to amend the student's IEP, this document should not be considered a fulfillment of an IDEA requirement.** It may be used for documenting services that will be provided so that there is clarity for both parents/guardians and educators during this unique situation and to assist the ARD committee in determining what, if any, compensatory services will be provided to the student once school reopens. LEAs must coordinate with a student's parents/guardians in the completion of this document, and it must be individualized for each student.*

STUDENT'S NAME _____ BIRTHDATE _____ AGE _____

STUDENT'S ID # _____

STUDENT'S HOME CAMPUS _____

STUDENT'S ELIGIBILITY CATEGORY/CATEGORIES _____

PARENT'S/GUARDIAN'S NAME _____

HOME ADDRESS _____ CITY _____ ZIP _____

PARENT/GUARDIAN'S HOME/CELL PHONE NUMBER(S) _____

YES NO An interpreter assisted in completing this form.

WHO PARTICIPATED IN THE COMPLETION OF THIS DOCUMENT?
(PLEASE NOTE THAT THERE IS NO REQUIREMENT FOR ANY SPECIFIC INDIVIDUAL(S), OTHER THAN THE STUDENT'S PARENT/GUARDIAN, TO PARTICIPATE IN THE DOCUMENTATION COMPLETION)

Student	Parent/Guardian
General Education Teacher	School Administrator
Special Education Teacher	District Representative
Related Service Provider	Other

Present Levels of Academic, Achievement, and Functional Performance (PLAAFP)

Emergency Contingency Plan in the PLAAFP:

- ✓ Address how the student's disability impacts participation in remote learning environment.
- ✓ Summarize measurable performance in each relevant academic and functional area and how it relates to remote learning.



Academic and Functional Goals

An emergency contingency plan in the Goals section of the IEP:

- ✓ Goals must be based on the student's PLAAFP statements and address the needs identified.
- ✓ During remote learning, goals may remain the same, but data collection method may change.



Progress Monitoring During Remote Learning or Contingency Plan



Purpose

Monitor improvement
Identify students not progressing
Review efficacy of instruction



Focus

IEP Goals,
accommodations
Communication
Documentation



Tools

Method of delivery
Monitoring Form
Assessments

Data Collection and Progress Monitoring During a Contingency Plan



More information about Progress Monitoring can be found in the TEA Guidance Training about Progress Monitoring During Remote Learning.

A direct link to this training can be found at:

[direc.to/e2dJ](https://direct.to/e2dJ)

Contingency Plans in Other Areas of the IEP



Secondary Transition

- How will the student's transition services be adapted if in a remote learning environment?



Supplemental Aids and Services

- Determined based on student's PLAAFP

Post-Secondary Transition During Remote Learning or Contingency Plan



- During remote learning, post-secondary goals may need to be discussed with parents and altered or means of accomplishing them adjusted in order to address how these skills can be taught.
- Community activities or work-based learning need to be addressed and considered during a contingency plan.
- Documentation is crucial when addressing modified delivery and access.

Accommodations and Modifications During Contingency Plan



- Consider what resources families may have access to during remote learning.
- How will accommodations or modifications in a remote learning environment be delivered?
- Accommodations and modifications should assist the student in successfully accessing learning and services in the remote environment.

IEP related questions to consider for contingency planning for special education and related services:

01

How will the student receive related services or speech services during remote learning?

02

What will special education and related services look like in a remote learning environment?

03

If a student does not have access to the internet or a computer, how will special education and related services be addressed?

04

If a student does not have access to necessary items to provide FAPE, how will the school address this and document means of providing them?

Recent TEA Guidance

Visit this direct site for more TEA Guidance:

[direc.to/e2j2](https://direct.to/e2j2)



For More Information:

Special Education Special Projects and Strategy Division



Website: www.tea.gov/TexasSped



Email: sped@tea.Texas.gov



Phone: 512-463-9414



www.SPEDTex.org



TEA Special Education COVID-19 Guidance:

<https://tea.texas.gov/texas-schools/health-safety-discipline/covid/general-guidance>