

Special Education Town Hall

Vermont Agency of Education

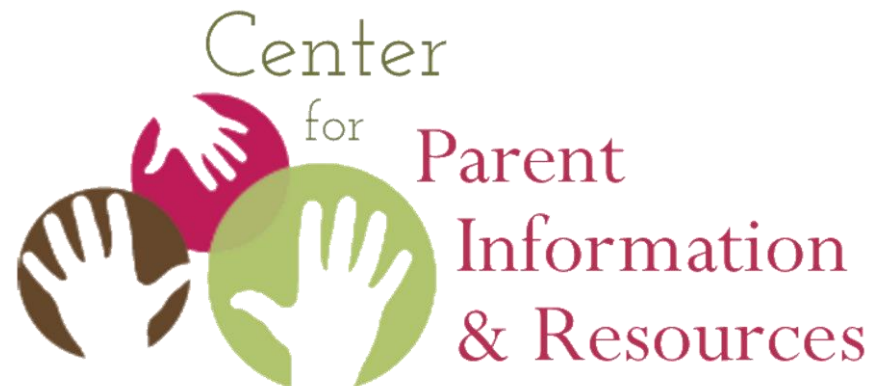
May 27, 2020



Welcome

Glad you're here!

Vermont Family Network



Housekeeping

- Meeting being recorded
- Chat set to “host only”
 - Participants can send private messages to host
 - Participants can submit questions to host
- Recording will be saved on VFN website



Vermont Agency of Education

- Jacquie Kelleher - State Director of Special Education
- Chris Kane - Special Education Programs Manager
- John Spinney - Post-Secondary Transition Coordinator
- Ernie Wheeler - Educational Consultant, Ed Surrogate
- Tracy Harris - Coordinator for Behavioral Supports



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Agenda

- Review Extended School Year (ESY) and Compensatory Services (AOE Memo 5/8/20)
- Questions submitted in advance
- Submit your questions in Q&A (not in Chat)



Poll #1 - Who is in our audience?



Vermont Family Network Virtual Town Hall

With Dr. Jacquie Kelleher & AOE
Team Members

May 27, 2020

INTRODUCTION

Roles and Responsibilities

- State Director of Special Education: [Jacqueline Kelleher, MA, Ph.D.](#)
- Coordinator for Behavioral Supports: [Tracy Harris](#)
- Early Childhood Special Ed/IDEA 619 Coordinator: [Katie McCarthy](#)
- IDEA Part B Data Managers: [Cassidy Canzani](#) and [Brandon Dall](#)
- Inclusion and Accessibility Coordinator: [Ana Kolbach](#)
- Inclusive Systems Coordinator: [Betty Roy](#)
- Part B Special Ed Program Monitoring Manager: [Tonya Rutkowski](#)
- Post-Secondary Transition Coordinator: [John Spinney](#)
- Special Education Programs Manager: [Chris Kane](#)
- Educational Consultant/Ed Surrogate: [Ernie Wheeler](#)
- Special Education Monitoring Specialist, [Simona Kragh](#)
- Inclusive Practices Coordinator, [Katy Langevin](#)
- Special Education Monitoring Technician: [Rebecca Gile](#)
- For questions on Legal, please contact [Clare O'Shaughnessy](#)

Technical Assistance

- Special Education Technical Assistance is available 24 hours/day through the general email and voicemail system.
- These methods of communication are monitored regularly during business hours and a response is generally provided within 24-48 hours.
- Please contact our team at (802) 828-1256 or at AOE.SpecialEd@vermont.gov.

Vision Statement

Our Purpose

- **Agency of Education Purpose Statement**

The Agency of Education implements state and federal laws, policies, and regulations to ensure all Vermont learners have equitable access to high-quality learning opportunities. The Agency accomplishes this mission through the provision of its leadership, support, and oversight of Vermont's public education system.

- **Special Education Vision**

Our team, together with all stakeholders, ensures access opportunity, and equity by providing solution-based oversight, leadership and support to build capacity and improve student outcomes.

Questions and Answers

Memo on Initial Guidance for Comp Ed and ESY

- Initial Considerations for Compensatory Education and Extended School Year Services Memo

Memo on Initial Guidance for Comp Ed and ESY

“Compensatory services” or “compensatory education” is a remedy created by judges and hearing officers as one form of legal remedy when there has been a denial of Free Appropriate Public Education (FAPE). Compensatory services are commonly understood as an offer to “make up for” certain services which were not provided as outlined in the student’s Individualized Education Program (IEP).

Compensatory services occur when a student with a disability has not been provided FAPE. Determining whether there has been a denial of FAPE requires an analysis of the particular facts related to a student and is based on credible and reliable data. Put simply, a student is denied FAPE when the LEA does not implement the student’s IEP, which is created and designed to ensure FAPE based on the particular student’s needs to access general education.

Memo on Initial Guidance for Comp Ed and ESY (continued-2)

Extended school year services are defined in both federal and state special education regulations as “special education and related services that are provided to a child with a disability beyond the normal school year of the public agency in accordance with the child’s IEP and at no cost to the parents of the child” (34 C.F.R. § 300.106(b)). ESY must be provided only if an IEP team determines, on an individual basis when developing, revising, or reviewing the IEP, that the services are necessary for the provision of FAPE to the child with a disability (34 C.F.R. § 300.106(a)(2)).

Unlike compensatory services, the need for ESY is not triggered by a failure to provide FAPE. Rather, the purpose of ESY is to provide special education and related services beyond the duration of a school year or school day to a child with a disability who would be likely to significantly regress when school is not in session. ESY services must be provided in accordance with each child’s IEP that requires ESY services and must be based on data of regression and recoupment over previous school breaks. The need for ESY services is a student specific determination and, as such, each child’s IEP Team will need to determine whether there has been “significant regression and recoupment did not occur within a reasonable amount of time.”

Memo on Initial Guidance for Comp Ed and ESY (continued-3)

- Considerations
 - The AOE does not anticipate that SU/SDs will find a large increased need for ESY eligibility because all students are impacted by the school closure and transition to remote learning.
 - If a district determines that it will offer supplemental instruction to all general education students, an eligible child with a disability does not have to be eligible for ESY to receive supplemental instruction. Special education services supplement and are embedded in general education, including any supplemental education provided as a result of extended school closures.
 - It may not be an appropriate consideration to extend remote learning for all students with disabilities during the summer months as part of ESY, as it would be an extension of supplemental instruction and not in alignment with ESY requirements.

Memo on Initial Guidance for Comp Ed and ESY (continued-4)

- Considerations
 - Keep in mind that recoupment cannot be accurately measured during remote learning, and regression analysis based on data obtained since school closure will likely lead to unreliable and invalid decisions. Further, likely all students – special education and general education - have some degree of regression. When there are no services for all students, as in the case of school closure, we look at regression and recoupment differently. Often IEP Teams do not have enough information to make these determinations for students who were not considered eligible prior to school closure. However, as stated above, if districts previously determined students were eligible for ESY before school closure, then these students should continue their eligibility for ESY.

VFN Submitted Questions

- Can you detail how the state envisions Extended Year Services occurring for those vulnerable students on IEP's who have otherwise struggled to access Distance Learning thus far? What is the contingency plan should this not be possible?
- Should districts be prepared with multiple contingency plans in order to execute the appropriate plan once guidance is given from the State? When should this all occur by?
- Like many school based psychologists I had approximately 25 scheduled evaluations postponed due to COVID-19. Tele-evaluation is being used for Competency/Sanity assessments as well as examinations for DDS-individuals pursuing disability benefits. If schools continue to be closed next fall will remote evaluations be considered an option?

VFN Submitted Questions (cont)

- What should a family do if they do not agree with the changes the school has suggested be made to the IEP during COVID19?
- Can families with children with intense emotional-behavioral needs get 1:1 support for their child from the school during this time? What if the school had previously (before school closure) been contracting with the designated agency (DA) to provide in-person support at school and now the DA is providing 1:1 support to the student for non-school-related activities- in this instance can the school allow the DA to provide the previously contracted school support in-person if the DA staff is trained and willing to do so?

VFN Submitted Questions (continued)

- What should families with students on IEPs who are due to graduate next month do if their student has not been able to benefit from appropriate transition services and supports and has not made sufficient progress due to remote learning ? Can the student stay in school? What if they are turning 22 - can they stay in school past their 22nd birthday?
- Is there a higher/different standard for students on IEPs through the entitlement of a FAPE vs students in regular education? If so, shouldn't their needs be considered and addressed differently from their regular education peers when looking at the lack of progress or "backsliding" that may be taking place for them during remote learning?

VFN Submitted Questions

- With the wide variety of evaluations that can and are being done virtually, what can a parent do if the school district says that a virtual evaluation is not possible and the evaluation must be delayed?

Questions and Answers 1.0:

- COVID-19 may be an acceptable reason for an initial evaluation delay, but only when detailing the specifics of the situation. The delay must be an individualized determination.
 - An evaluation delay form must state the specific reason for not being able to complete the eval (ex: governor's order to close schools; vulnerability of family member in the midst of COVID-19)
- Re-evaluations can be addressed in a few ways
 - The team can agree to use existing data to determine continued eligibility
 - The team can use virtual and electronic formats to complete the re-evaluation
 - If neither of those options fit the needs of the student's situation, the team can use Form 8, outlining a plan for re-evaluation when school resumes

Please Remember

- Our obligations are to support and serve students 3-21 utilizing this guidance.
- Guidance may change and we seek to update as often as necessary to make sure you are informed.
- We are moving through this uncharted territory together and the AOE seeks to support our educational partners and families.
- [AOE Recent COVID19 Guidance](#)

Additional Questions, Concerns, Conversation

Poll #2 - Did you learn something new?



Vermont Youth Summit

Keynote Presentation

Thursday, May 28 10 am-11 am



Hasan Davis “Hope Dealer”



How Can We Help You?



Info@vtfn.org

1-800-800-4005 or (802) 876-5315

<http://www.VermontFamilyNetwork.org>