

# IEP PLANNING IN A COVID SPRING



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# QUESTIONS?

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- No “I” questions

- Please frame your questions as hypotheticals.

If you have particular questions about your child, we can talk more after the webinar. You can email me at [arosenblatt@markmartinlaw.com](mailto:arosenblatt@markmartinlaw.com)

# 3 TAKEAWAYS

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1. Investigate Progress
2. Document Concerns
3. Brainstorm Solutions

# PREVIOUS WEBINARS

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- [Monthly Chat with an Attorney - Resources — Chesapeake Down Syndrome Parent Group Baltimore, MD \(cdspg.org\)](#)

# RETURN TO SCHOOL FOR HYBRID

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- What will services look like?
- How will supp aids be implemented?
- Consider adding things to IEP
  - assistance with computer
  - assistance with masks
  - adding COVID safety goal
- Possibly request 4 days per week for need for consistency.
- Document your decision in writing
  - Explain the disability-related reason for not returning

# I. INVESTIGATING/IDENTIFYING PROGRESS

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- Formal evaluation
  - If you have been putting off formal evaluations, you may feel safer now as teachers are vaccinated.
    - Maybe do assessments on async Wednesdays or outside.
  - Pros: it gives you something to work with. It's data.
  - Cons: learning loss and being isolated for so long may make scores lower than they would be and may not be accurate.

# I. INVESTIGATING/IDENTIFYING PROGRESS

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- Request class observations
  - Should occur as part of triennial.
  - Can occur virtually
  - School-based or private (Facetime or 2<sup>nd</sup> device)
  - Watch and take your own notes.



# I. INVESTIGATING/IDENTIFYING PROGRESS

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- Ask schools for curriculum-based assessment scores for this year and last year.
  - iReady, Dibels,

# I. INVESTIGATING/IDENTIFYING PROGRESS

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- IEP progress reports should have actual data.
  - “I am writing to request that the IEP progress report include measurable and specific data for each and every objective included in the goal.”

# I. INVESTIGATING/IDENTIFYING PROGRESS

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- Measure Progress for yourself
  - Video tape your own testing of goals
  - Compare IEP goals from this year and last year.
  - Look at present levels of performance. Look at “Instructional Grade Level Performance.” Has there been change?

## 2. DOCUMENT CONCERNS

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- Keep a notebook-
  - failure to implement the IEP,
    - supp aids
  - challenges (refusal, lack of understanding)
  - adult support
- Parental Input section of IEP
- Prior Written Notices/Team Summaries.
- Comment when submitting assignments/email school
  - keep emails in one place.

# COMPENSATORY EDUCATION

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- State Guidance;
- “While compensatory education/recovery services are traditionally awarded when [a school] has failed to meet their legal obligations, these services **are not intended as a punishment** for the local school system.” They are intended to “remediate the negative impact experienced by the student due to the loss of FAPE. . . While this may have occurred through **no fault** of the district, the obligation to provide a student with a FAPE remains, and the student may be entitled to remedial services.

# COMPENSATORY EDUCATION

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- State Guidance;
- “In situations where a FAPE (i.e., instruction, related services, and supplementary aids and supports) was not or could not be provided, and the student was negatively impacted (i.e., a regression of skills or lack of progress in the curriculum or on IEP goals), the student will require compensatory education/recovery services.

# COMPENSATORY EDUCATION

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- State Guidance;
- “Creativity in identifying compensatory education/recovery services will be necessary and may include the scheduling and delivery of services through an extended school day, weekends, and/or summer.”

# COMPENSATORY EDUCATION

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- Do not assume your child's team knows what the guidance says.
- Google "MSDE" and "Technical Assistance Bulletins" → Maryland Learning Links.
- [Recovery Efforts: Addressing the Provision of FAPE through Alternative Service Delivery Models for Students with Disabilities During the Reopening of Schools](#)
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# COMPENSATORY EDUCATION

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- Virtual is “enough” for kids without disabilities. It is not FAPE for most students with disabilities.

# BRAINSTORM SOLUTIONS

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- Increased services
- School-based tutor
- Reimbursement for outside tutor
- Reimbursement for outside therapies
- ESY eligibility
- Reimbursement for summer program

# EXTENDED SCHOOL YEAR

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- Consider pushing harder for ESY.
  - Even if you won't use it
  - Request an increase.

# EXTENDED SCHOOL YEAR

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- **ESY FACTORS**
- Regression: the student would regress more than the amount that would be expected for any student
- Recoupment: it would take longer for the student with disabilities to regain skills than it would for students without disabilities

# EXTENDED SCHOOL YEAR

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## Other ESY factors

- nature and/or severity of disability
- degree of progress (if progress is very slow, student may need ESY services in order to continue to make progress)
- emerging skills/breakthrough opportunities (e.g. student just beginning to communicate, accomplish self-care skills, read or write)
- interfering behaviors (e.g., student's behavior has an impact on his or her ability to make educational progress)
- special circumstances

# GRADE RETENTION

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- grade retention: How to request it.