

FAQ: Equitable special education through distance learning

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Distance learning during the time of COVID-19 presents challenges for all areas of public education. Many special educators are likely feeling an overwhelming sense of confusion and concern at this time. Students in special education are a vulnerable population, and this crisis presents unique challenges and opportunities to protect the right all students have to a free and appropriate public education (FAPE).

In this document, we provide educators answers to some common legal questions and ideas for how to manage and design distance learning strategies. We hope this helps cut through the overwhelming amount of information coming from districts, federal and state agencies, and advocacy groups.

Remember: Educators working in special education are uniquely prepared for a world of personalized instruction and innovative delivery. You know what works, and you should give yourself the time and flexibility to find what works best for you and your students.

Finally, this guidance will change and update as more information becomes available. Federal and state guidance often changes by the day, and we will monitor and track the information educators need to provide the best education plans possible for their students. In what follows, we address the following:

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I. General questions and concerns about special education and distance learning

A. What does it mean to provide special education services through a distance learning model?

Distance learning will look different depending on the age, disability and specific needs of each student. Special educators are accustomed to providing individual learning plans for students, so distance learning will seem very familiar for most special educators once they start engaging students.

According to the Minnesota Department of Education (MDE) and distance learning experts, all successful distance learning plans will have two components: (1) access to all educational materials and (2) daily interaction with educators.

First, all students must have access to all educational materials they need to succeed. Most online platforms allow educators to record lessons and provide access to files. Educators can also establish, in collaboration with district leadership and administrators, plans to safely distribute books and booklets to students and families. More information about safe distribution of educational materials is available in a [separate FAQ](#) on distance learning. There are many options to make sure all students have access to what they need.

Second, students and families will need some form of daily communication with educators. **Paraprofessionals and education support professionals can be a tremendous help in this area.** See [our list](#) of ways paraprofessionals can support distance learning. These educators will often have pre-established relationships with families and can make phone calls and provide real time assistance. Remember, communication and interaction may look different for different students. One student may respond to emails and ignore phone calls while another may do better with text messaging. This is no different from how we tailor communication patterns in the classroom. Keep all of this in mind as you develop and adjust communication plans.

B. What should be my priority in developing distance learning plans for my students with special needs?

Equity must be at the center of all distance learning plans. **Remember, access is not the same as equity.** Educators must take proactive measures to prevent the exacerbation of known educational inequities. Remember, there is not simply one type of distance education. Educators will approach distance learning in manners best tailored for the population of students they serve. Educators should see this as an opportunity to explore new ways to meet the individual needs of all students. Not all platforms or technologies will work for all students.

C. What other logistical issues should guide educator planning?

Educators should develop and practice a growth mindset as distance learning plans are made. In addition, educators should build collaboration strategies to engage families/guardians and educators working outside special education. Always look to administrators for guidance. Educators should ask for clarification and document directions and guidance coming from leadership. This moment calls for labor-management as well as district-, state-, and nation-wide peer collaboration. Online communication provides unique ways to share resources and strategies.

II. Quick tips about distance learning and special education

It is OK to feel overwhelmed by the challenges of distance learning, particularly in a field that depends as much on relationships as special education. Here are some quick reminders for the moments that seem overwhelming:

A. Prioritize equity. Remember simply granting access is not the same thing as providing an equitable education.

B. Redefine success and develop a growth mindset. Both students and educators need time to adjust to distance learning.

C. Avoid the urge to try and master everything. Learn the tools that are best for your students. Trying to be a master of all platforms will be overwhelming for you and your students.

D. Set and maintain boundaries. Distance learning models blur the boundaries between home life and work life. Inform students when you will be available and maintain that schedule for your own wellbeing.

E. Remember, assistive technologies do not have to be electronic. Assistive technologies range

from simple to high-tech, advanced options.

F. Do not force a platform on all students. You should allow the needs of a student and their new learning environment define what tools to use, not the reverse. **Start with the IEP and the student.** Starting from a platform and forcing it on all students will lead to more problems than solutions.

G. Do not let cost be prohibitive. There are certainly cost limitations on what your district may be able to provide on its own, but many state and federal programs help students and families gain access to high-tech tools.

H. Remember that access is an equity issue. Something as simple as the speed of an internet connection will influence how services are provided. Ask students and parents/guardians what they need to be successful.

I. Take the time to onboard students and families. Educators will likely spend the first few weeks helping students learn how to learn online. Remember this is new for most everyone.

J. You do not need to be perfect. It is ok to take this process slow. Even advanced online teachers have bad days. Students may lose internet access for a day. A student may buy new technology, or they may be distracted by a sibling or a sick family member. Flexibility and patience will be important tools for success.

III. Distance learning and equity concerns for special education students

Equity in education was already elusive, but the current global pandemic further complicates the lives of many students. Students receiving special education services and students on a 504 plan face unique challenges. Please report all equity concerns—such as barriers in using a particular platform or disparate impacts of a particular policy on students who are low income or who lack parental support—to your administration and your local union representatives, and be proactive in proposing solutions. A concern that you are observing is probably occurring with many students in your district. Educators can also access Education Minnesota’s [guidance on equity and distance learning](#) for more information.

IV. Due process and legal questions related to distance learning and special education

In the interest of providing targeted guidance on certain legal topics, we have taken excerpts from various MDE publications related to special education obligations, with some minor

changes in formatting and wording for clarity. For the near term, MDE will be updating its information on a regular basis.

Source for items A-N: Minnesota Department of Education, [“Special Education and COVID-19 Questions and Answers: Due Process”](#)

A. How do we determine what is a FAPE for students with disabilities with an individualized education program (IEP) or Section 504 plan?

The [Office of Special Education Programs \(OSEP\)](#), the [Office for Civil Rights \(OCR\)](#), and the [Office of Special Education and Rehabilitative Services \(OSERS\)](#) have provided guidance on what constitutes FAPE for students with disabilities on an IEP or a Section 504 plan. See [MDE Guidance, Special Education Services – IEP or 504 Plan section](#). As provided in the [OCR Fact Sheet](#) and the [OCR/OSERS Supplemental Fact Sheet](#), the provision of FAPE and providing equal access to the general education instruction can occur through distance learning. Those documents provide examples of ways to provide distance learning. **This includes direct instruction, related services and disability-related modifications. In determining how to provide FAPE, an individualized determination must occur with parental participation.** The [MDE Guidance Document](#) addresses the need to develop a communication process with parents and to review delivery of services with staff as outlined on page 10-11 of the MDE Guidance. The U.S. Department of Education, in its supplemental fact sheet entitled Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Servicing Children with Disabilities, stated, “The Department encourages parents, educators, and administrators to collaborate creatively to continue to meet the needs of students with disabilities.”

That document also provides, “School districts must provide a [FAPE] consistent with the need to protect the health and safety of students with disabilities and those individuals providing education, specialized instruction, and related services to these students. In this unique and ever-changing environment, OCR, and OSERS recognize that these exceptional circumstances may affect how all educational and related services and supports are provided, and the [U.S. Department of Education] will offer flexibility where possible. However, school districts must remember that the provision of FAPE may include, as appropriate, special education and related services provided through distance instruction provided virtually, online, or telephonically. Where technology itself imposes a barrier to access or where educational materials simply are not available in an accessible format, educators may still meet their legal obligations by providing children with disabilities equally effective alternate access to the curriculum or services provided to other students.”

B. Is daily interaction with educators required for students with IEPs, and how are direct service minutes determined?

The [MDE Guidance document, Distance Learning section](#) defines distance learning as “access to appropriate educational materials and ...daily interaction with their licensed teacher(s).” For students with IEPs, the amount of daily interaction with service providers will be determined by the special education and related services the student is required to receive via the student’s IEP.

C. Do I need to amend each student’s IEP to address distance learning?

The federal guidance received to date does not clearly state *when* a school district is required to amend an IEP based upon the need to move to a distance learning delivery model due to the COVID-19 pandemic.

MDE has consistently provided guidance that in order to develop an individualized distance learning plan for a student with a disability, relevant members of the IEP team and the parent will need to discuss how best to meet the student’s needs in a flexible learning model. And further, that **a written document is necessary to set forth any changes needed to provide FAPE through distance learning, and be provided to the parent to ensure agreement and so school staff and the parent understand who will be providing services and how that will occur.**

This could be accomplished by developing a written document to amend or modify the child’s current IEP. See 34 C.F.R. §300.324(a)(4)(i)(ii). This may result in simply changing the service delivery from in-person to a distance learning delivery model, or it may involve more extensive changes depending upon the needs of the individual student with a disability.

D. Do I need to have each student’s parent or guardian sign the prior written notice (PWN) document describing amendments to the IEP required by distance learning?

If a school district amends a student’s IEP, a PWN is required. Special educators can accept an electronic signature or an email from a parent confirming consent to the amendments in the PWN and the amended IEP. This will expedite the amendment process to ensure that the amended IEPs are in place by March 30, 2020.

If the district and parents are unable to reach agreement on how to provide FAPE to the student during the time a distance learning plan is in place during the COVID-19 pandemic, the PWN would inform parents of their right to object to the proposal and seek alternative dispute resolution. See 34 C.F.R. § 300.530, Minn. Stat. § 125A.091 and Minn. R. 3525.3600.

E. Could a district provide parents with a PWN and attach an individualized distance

learning plan describing all specialized services that will be provided as a proposed temporary amendment to the student’s IEP?

Yes. This is one of several ways a district could document the change the provision of FAPE to the student. The PWN and attached individualized distance learning plan amendment document could describe what the distance learning delivery model will look like for the student, the provision of any direct and related services, and what accommodations are necessary to ensure the student can access and make progress toward education standards and IEP goals.

F. Depending on the situation, may we provide direct face-to-face instruction to a child for counseling or mental health services in our district distance learning plan?

No. Your school’s planning document, as detailed in the [Special Education section of MDE’s Guidance Document](#), sets forth examples of what distance learning could look like. This could include remote or “tele-therapy” for mental health services. It could also include tele-services for speech and language services. However, the distance learning plan cannot include having a staff member or direct service provider being physically in the same location for the provision of specialized instruction or related services.

G. Is there any guidance regarding how to address the service grid and expectations for staff service time? For example, if a direct service provider is providing weekly services for 30 minutes, do they still need to provide 30 minutes to that student?

As set forth in the [Office of Special Education Programs \(OSEP\) Guidance](#), school districts and schools must ensure that students with disabilities also have equal access to the same opportunities, including the provision of a FAPE. And, to the greatest extent possible, provide the special education and related services identified in the student’s IEP or Section 504 plan.

IEP teams may need to reconvene to determine if compensatory educational services are necessary to address the loss of service minutes during the distance learning planning period. Many disability-related modifications and services may be provided effectively online. These may include, for instance, extensions of time for assignments, videos with accurate captioning or embedded sign language interpreting, accessible reading materials, and many speech or language services through video conferencing. See the OCR/OSRS Supplemental Fact sheet.

H. Due to the statewide closure of schools for an eight-day planning period, and then moving to distance learning, will school districts be cited by MDE for failing to conduct a special education reevaluation at least once every three years?

MDE recognizes it may be difficult for districts to complete special education evaluations, including reevaluations, during both the eight-day statewide school closure for planning purposes and during a distance learning instructional delivery model. Accordingly, MDE will take these

calendar days into account when calculating compliance requirements.

Once students begin receiving instruction through distance learning, school districts may need to consider options including review of already-existing data on the student as well as remote engagement with the student and necessary evaluators. Assessment requiring in-person attendance, however, will need to be postponed due to safety issues.

Districts should document efforts used to mitigate any loss of programming to students. Please also review the following fact sheet, entitled [Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students](#), from the U.S. Department of Education, Office of Civil Rights, beginning on page 3. See also the supplemental fact sheet entitled [Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Servicing Children With Disabilities](#).

I. How will schools ensure that special education direct service providers have access to a student’s IEP and any amendments to that IEP or other written document that outlines how the student’s special education, and that related services will be delivered through a distance learning delivery system?

As provided in the special education section of [MDE’s Guidance document](#), in the event of extended school closures, the school district remains responsible for the FAPE of its students eligible for special education services who have an IEP or Section 504 plan. Districts and charter schools must use the closure time to plan how they will continue to meet the requirements of Part B (3-21) and Part C (birth-3) of the Individuals with Disabilities Education Act (IDEA), Part B and Part C.

This will necessitate communication between the case manager, general education teachers, the parent/guardian and related service providers to ensure that students with disabilities can be appropriately involved and make progress toward the general education standards and IEP goals. Document revisions in writing and communicate them to parents as well as relevant service providers and general education teachers. See Question 3 in the Q&A on school closure.

J. How do school districts meet Individuals with Disabilities Act (IDEA) timelines during the distance learning period?

[Guidance](#) from the U.S. Department of Education’s Office of Civil Rights states: “As a general principle, during this unprecedented national emergency, public agencies are encouraged to work with parents to reach mutually agreeable extensions of time, as appropriate.”

K. How do districts and families move forward with Part B (ages 3 to 21) Individualized

Education Programs (IEPs) during the period of distance learning?

If a child has been found eligible to receive services under the IDEA, the IEP team must meet and develop an initial IEP within 30 days of a determination that the child needs special education and related services. 34 C.F.R. § 300.323(c)(1).

IEPs also must be reviewed annually. 34 C.F.R. §300.324(b)(1). However, parents and an IEP team may agree to conduct IEP team meetings through alternate means, including videoconferencing or conference telephone calls. 34 C.F.R. §300.328. It is in the best interest of school teams and parents to work collaboratively and creatively to meet IEP timeline requirements, particularly in these challenging times.

Most importantly, in making changes to a child's IEP after the annual IEP team meeting, the parent of a child with a disability and the school district may agree to not convene an IEP team meeting for the purposes of making any needed changes, and instead develop a written document to amend or modify the child's current IEP. 34 C.F.R. §300.324(a)(4)(i). These decisions must be individualized for each student with documented parental input.

L. How do districts and families move forward with Part B initial evaluations during the period of distance learning?

In Minnesota, an initial evaluation must be conducted within 30 school days of receiving parental consent. Minn. R. 3525.2550, subp. 2. Eligibility for special education services under Minnesota criteria also must be determined within the evaluation timeline (Minn. R. 3525.2710, subp. 6) and an IEP developed within 30 days of that determination (34 C.F.R. § 300.324). To the extent the school district is able to assess the child without face-to-face contact, the school district should proceed.

If an evaluation of a student with a disability requires a face-to-face assessment or observation that cannot occur during distance learning, the evaluation would need to be delayed until school reopens. These same principles apply to similar activities conducted by appropriate personnel for a student with a disability who has a plan developed under Section 504, or who is being evaluated under Section 504. See [OCR/OSERS Supplemental Fact Sheet](#).

M. How do districts and families move forward with Part B reevaluations during the period of distance learning?

A reevaluation of each child with a disability must be conducted at least every three years, unless the parents and school district agree that a reevaluation is unnecessary 34 C.F.R. § 300.303(b)(2). When appropriate, a reevaluation may be conducted through a review of existing evaluation data, which includes any evaluation and additional information provided by the student's parents. This review may occur without a meeting and without obtaining parental

consent, unless it is determined that additional assessments are needed. 34 C.F.R. §300.305(a).

As a reminder, when a district conducts a comprehensive reevaluation, it does not need to include the assessments required for an initial evaluation. Rather, the evaluation plan should include only those assessments needed to gather the needed data as detailed in 34 CFR §300.305 (a). If there is a question about the validity of a prior assessment, that could be a reason to repeat an assessment. However, it is not necessary in a reevaluation to repeat intelligence quotient (IQ) and achievement assessment unless there is a specific need for updated data.

N. Will evaluation/Individual Family Service Plan (IFSP) timelines (especially the Part C 45-day timeline) apply during the period of distance learning?

Under 34 C.F.R. §303.310, the initial evaluation and assessments of child and family, as well as the initial IFSP meeting, must be completed within 45 days of the lead agency receiving the referral. Districts should make reasonable efforts to complete the initial evaluation and assessments.

However, under 34 C.F.R. §303.310(a), the 45-day timeline does not apply if the family is unavailable due to “exceptional family circumstances that are documented” in the child’s early intervention (EI) records. If that is the case, the district must specifically document why the evaluation/IFSP was not completed within the 45-day timeline. The COVID-19 pandemic could be considered an exceptional family circumstance. See [OCR/OSERS Supplemental Fact Sheet](#).

Source for items O-P, Minnesota Department of Education, [“School Closure Guidance for Public School Districts and Charter Schools”](#) (p. 10-13).

O. How do we implement a distance learning model during COVID-19 school closures for students who have IEPs with transition related activities in the community?

As part of the planning process, IEPs with transition related activities in the community will need to be amended to reflect the distance learning model. See also the OSEP Guidance.

P. Will there be any special education funding impacts?

All requests for reimbursement will be evaluated on a case-by-case basis. But generally, special education and related services provided under an IEP through distance learning should be reimbursable.

Source for items Q-BB: Minnesota Department of Education, [“Special Education and COVID-19 Questions and Answers: Special Education Instruction, Services, Programming and Funding.”](#)

Q. For related special education providers (speech, occupational therapy (OT)), does the platform for video chat (Zoom, Skype, blink, etc.) need to be Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA) compliant?

FERPA requirements and HIPAA privacy rule requirements contain similar provisions governing privacy, access and disclosure. However, in the school setting, FERPA, rather than the HIPAA privacy rule, applies to student information and student privacy. This includes information maintained by health-related service providers such as speech-language pathologists and occupational therapists when they are working for or on behalf of the school to provide services to students. [More information about the application of FERPA and HIPAA to student health records is available from the US Department of Education.](#)

FERPA requires that schools cannot disclose private data or personally identifiable information from a student's education record without consent or an eligible exception. Education records means all records that are directly related to an individual student and that are maintained by an educational agency (school) or someone acting for the school.

If the school is providing services to a student in a way that does not disclose private information from the student's record, then the law does will not apply. However, if the school has concerns that use of a video platform to provide services could contain and thus could reveal personally identifiable information, then the school should use a platform that incorporates security measures to ensure that private data is encrypted and that it cannot be accessed by individuals who do not have authority to access the data. Taking these steps will help the school comply with both FERPA and the Minnesota Government Data Practices Act, which requires schools to protect private data with appropriate security safeguards.

Schools can also address privacy concerns by informing parents about the proposed services and platform for delivery and seeking parental consent.

R. What is allowed in terms of an alternate location for provision of special education and related services? Would this be churches, libraries or other public locations?

MDE's guidance does not permit any form of face-to face instruction while schools are closed.

S. Would we be able to bus small numbers of students to these locations to provide services, if this could not be done remotely?

No. Please see the Distance Learning section of MDE School Closure Guidance for options to consider for distance learning.

T. If a student has a 1:1 paraprofessional and has highly specialized programming, would we send the paraprofessional to the home to assist with education? Would we send the 1:1 para for the designated “school day”?

No. Please see the Distance Learning and Special Education Services–IEP or 504 Plan sections of MDE School Closure Guidance for options to consider.

U. Could we bus small numbers of students to the school to provide services throughout the day?

No. School locations are closed to students with the exception of students who qualify for on-site childcare. Please see the Distance Learning and Special Education Services – IEP or 504 Plan sections of MDE School Closure Guidance for Public School Districts and Charter Schools for options to consider.

V. Will MDE provide direction on distance learning services by providers such as physical therapists, occupational therapists, speech language pathologists and others? This feels more challenging to provide these via distance learning. It also appears from the recent FAQ sent that we are not to have students in buildings outside of child care special education services.

Please see the Distance Learning and Special Education Services – IEP or 504 Plan sections of [MDE School Closure Guidance](#) for options to consider. IEPs may need to be reviewed and amended during the school planning period as district move to distance learning instruction on March 30.

W. If we provide special education services to small groups of students remotely, we are concerned that this might violate data privacy because the parents or other people in a student’s house might see who else is receiving these services. What should we do?

[Non-MDE guidance]: Allowing parents to have access to real-time video or audio of students receiving special education services will not violate FERPA, but the names of students who receive these services are considered private education records/student data. For this reason, schools and educators should take precautions to ensure that these names are not available to other students or parents without the prior consent of parents or guardians.

MDE’s guidance on data privacy for special education students states:

If the school is providing services to a student in a way that does not disclose private information from the student’s record, then the law does not apply. However, if the school has concerns that use of a video platform to provide services could contain and thus could reveal personally

identifiable information, then the school should use a platform that incorporates security measures to ensure that private data is encrypted and that it cannot be accessed by individuals who do not have authority to access the data. Taking these steps will help the school comply with both FERPA and the Minnesota Government Data Practices Act, which requires schools to protect private data with appropriate security safeguards.

Schools can also address privacy concerns by informing parents about the proposed services and platform for delivery and seeking parent consent.

Special educators should also take any additional requirements recommended or required by their administration. If your district is not requiring the data privacy safeguards detailed above, we recommend sharing MDE's guidance with your supervisor or special education director.

X. When and if we are amending service minutes for distance learning, I would assume according to the guidance provided by MDE that this can be the special education teacher connecting daily over the phone with the parent and/or student?

Yes, that is correct.

Y. Do IEP teams need to meet while schools are closed? How about evaluations of students with disabilities?

IEP teams are not required to meet in person while schools are closed, however, parents and an IEP team may agree to conduct the IEP meeting through alternate means, including videoconferencing or conference telephone calls. It is in the best interest of school teams and parents to work collaboratively and creatively to meet IEP timelines requirements, particularly in these challenging times. IEP teams may continue to work with parents and students with disabilities during such school closures and offer advice, as needed.

As for evaluations, to the extent the school district is able to assess the child without face-to-face contact, the school district should proceed. If an evaluation of a student with a disability requires a face-to-face assessment or observation that cannot occur during distance learning, the evaluation would need to be delayed until school reopens. On reevaluations, parents and the school district can agree that a reevaluation is unnecessary, or when appropriate, a reevaluation may be conducted through a review of existing evaluation data, which includes any evaluation and additional information provided by the student's parents.

Z. Will paraprofessionals who under normal operations would be paid entirely by special education funds continue to be paid from that funding source?

Gov. Walz's [Executive Order 20-19](#) temporarily suspends some of the restrictions that prevent paraprofessionals paid out of state special education funds from working in other education programs. Paragraph 14 of the Order provides:

Upon approval by the Executive Council, expenses for special education staff assigned to other work during the Closure Period and Distance Learning Period and expenses recorded in the food service fund may be charged to the same Uniform Financial Accounting and Reporting Standards codes to which the service is charged for an instructional day. The Commissioner of Education must notify school districts and charter schools of these formula changes as soon as practicable.

[MDE's guidance](#) on this change states that paraprofessionals funded through special education funds may be assigned to support other educational programs and services during the distance learning period:

Executive Order 20-19 would allow schools to continue reporting all state funded special education staff and contracted costs, including special education transportation costs, using the same Uniform Financial Accounting and Reporting Standards (UFARS) funding string they would have otherwise been reported in, regardless of work performed during a school shutdown, cancellation or distant learning model. An example would be that a special education paraprofessional who, during the school shutdown, cancellation or distant learning model, is assigned to assist with cleaning, general education services, meal prep and/or delivery or is unable to work, will continue to be charged to state special education and eligible for state special education aid.

*Schools should continue to pay contractors scheduled to provide special education services including transportation during this time even though services are not being provided or have been changed to address the emergency, so long as the contractor says they will pay their workers. Schools could base payments on weekly average invoices that they have incurred during this year or on the contract rates for the services that were to be provided on scheduled school days. **The intent of the executive order is that no person involved in providing education or transportation to Minnesota students with Individualized Education Programs (IEPs) is harmed during the school shutdown, cancellation or during a distant learning model.***

Note: While assigning paraprofessionals to assist with cleaning on a temporary basis during the distance learning planning period may have been appropriate, Education Minnesota disagrees that the Executive Order gives districts the authority to require paraprofessionals to perform duties that belong in a different bargaining unit without the consent of that bargaining unit. The

Executive Order specifically states that the assignments must be “consistent with applicable labor agreements.” If this is happening, contact your Education Minnesota field representative.

AA. Do paraprofessionals need to complete time and effort reports different from those they have completed historically? Since this group of employees are charged 100 percent to special education, they would not have been required to complete a personnel activity report (PAR) each month.

Paraprofessionals do not need to complete any additional reporting beyond what they did prior to distance learning. The local education authority (LEA) as a whole should maintain documentation about that timeframe to support their overall choices. Support for any fiscal adjustments starting March 30 should be maintained through time and effort and journal entry documentation.

BB. How should Alternative Delivery of Specialized Educational Services (ADSIS) teachers record service minutes during distance learning?

At this time, we are not providing explicit direction to ADSIS practitioners on matters such as recording hours or how to modify the language within your approved application for your service delivery model. Once we are able to understand how districts and programs around the state have adapted to the new reality of distance learning, we will be better equipped to provide explicit direction to all ADSIS practitioners on such matters.

MDE is advising ADSIS programs to be engaged with their local district plan for distance learning. Local ADSIS programming needs to be included in the district plan. See the MDE Guidance document for more information.

Though the ADSIS service delivery model will inevitably change during this unprecedented time, ADSIS funds are secure. The most important thing to focus on right now is aligning your ADSIS delivery model to your local district plan for distance learning. All of the reporting requirements will become clear once we are able to assess the full impact of distance learning around the state.

CC. If a student with a disability is refusing to participate in the general and special education specialized instruction and related services, what are a school district’s options?

If, during the period of distance learning, a student is not participating in either general or special education instruction, the student’s IEP team will need to review the student’s IEP to determine if the student is exhibiting different behaviors due to the change in the environment from the school setting to the home setting and to revise the IEP, as appropriate, to address any behavior that is impeding the student’s learning. In addition, the IEP team should review the student’s ability to use the technology used to provide the instruction and related services. 34 C.F.R. §

300.324. This could occur through a virtual online IEP meeting or the amended IEP process.

IEP teams should note that the direct and indirect services, accommodations and modifications provided during distance learning may look different from the services and supports provided in the student's traditional school setting, as a student's disability may manifest itself differently in new learning conditions. [As emphasized in a webinar from the National Association of State Directors of Special Education \(NASDSE\) on March 26, 2020](#), the change in learning environment necessitates meaningful discussions with parents/guardians about the home environment context and any barriers the student faces to learning at home. During such discussions, the IEP team may consider what training and support parents/guardians need to support the student's learning, including training on how to utilize technology, provide positive behavioral interventions and supports, and understand the impact of the student's disability on learning, and may add those services to the student's IEP/amended IEP/individualized distance learning plan, as appropriate. Districts and schools should develop methods for ongoing communication with the student's parent/guardian on how to monitor the effectiveness of distance learning for the individual student and to timely respond to parental and student concerns.

V. Professional practice questions

In this section, we offer some answers to common instructional questions about distance learning.

A. I am so overwhelmed. I do not know where to begin. How do I start developing distance learning plans for special education students?

The best place to start is with the IEP. Review the goals for each student and decide what can reasonably be accomplished in this new setting. You can reframe this moment as a time to build a plan that develops the strengths of each student in new and exciting ways. Some students may struggle with classroom distractions, so this can be an opportunity for them to excel in quieter environments. Other students may have problems focusing in their home environments. Keep these issues in mind and collaborate with parents/guardians and students to create a successful plan.

B. What are some helpful tips I can give my students? I want them to be successful.

Many students will adapt to distance learning with little to no problem. Online platforms and mediated forms of communication have long been infused within the social and academic lives of many students. However, this is not a universal truth. Remember that privilege and opportunity have dictated which students have the most experience with mediated communication.

Students familiar with online platforms may need more help with the practical side of distance learning. Here are some recommendations to consider:

1. Instruct students to set a schedule that works for their environment and situation. Educators will need to be flexible as students design their schedules. Many students will be helping care for siblings or even sick family members. The presence of a schedule is more important than the timing of that schedule.
2. Students who write down and post a schedule are more likely to follow it. Tell students to post their schedules some place convenient for them.
3. Phone alarms, online calendars and apps that send reminders are great ways for students to stick to their schedules.
4. Tell students to find a quiet place in their environment from which to work. Remember, not all students have the same space and environmental options.
5. Remember to set rules about language and communication styles in online platforms. Sometimes students will revert to text message abbreviations or colloquial language in their online communication messaging. Just like in school, students need reminders that playground language is different than academic language.

C. What can I do for students without access to technology or reliable internet connections?

Districts should be working with parents/guardians and educators to provide a free and appropriate public education for all students. This includes providing access to technology or providing reasonable accommodations so that all students can access educational materials. Educators can help with these efforts in two ways.

First, it is important to remember that distant learning and high-tech learning are not the same. Often, people think the two are interchangeable. Assistive technologies can be a simple tool sent home with students to help them grasp writing instruments. Assistive technology can also mean a voice-guided typing tool. Do not feel that every assistive technology needs to be tied to advanced technologies. Embrace a mix of high-tech and low-tech assistive technologies when making plans for students.

Second, the state of Minnesota has several programs that assist families of children with disabilities gain access to electronic devices and programs. Educators can recommend families/guardians seek support through the following programs:

1. The Minnesota Department of Human Services has created a large database of places to find help with assistive and accessible technology resources, [available here](#).

2. The Minnesota STAR program (A system of technology to achieve results) “helps all Minnesotans with disabilities gain access to and acquire the assistive technology they need to live, learn, work and play.” The star program offers device demonstration, device loans, device exchanges, and recycles devices for other families and individuals to use. Find out more [here](#).
3. PACER’s Simon Technology Center offers free tutorials on a variety of assistive technologies. PACER also allows individuals and organizations (such as school districts) to become members of their lending library. Members are able to check-out adaptive technologies for personal and professional use. Find out more [here](#).

D. I am not sure how to provide services in an online setting. How do I provide direct services? Indirect services? Accommodations and modifications?

Most, if not all, in-person services can be provided in a distance learning model. Direct services may take the form of a phone call or a recording sent to a student for him or her to access later. Indirect services, such as modification of materials, can be provided through online platforms. In addition, a variety of technologies allow educators to accommodate students. Some programs allow the instructor to control the computer of the student for instance. Be open to new programs and methods of instruction.

E. I have a student who struggles in my physical classroom. He/she/they are being non-responsive when I reach out. When I do get in touch with the student, he/she/they simply say, “everything is fine.” Should I worry?

It will take some students longer to acclimate to distance learning than others. Some students might also have aversions to mediated communication. You should be concerned when a student seems less responsive than normal, but you should take the time to gather the facts. Get as much information from the student and parent/guardian as possible. It might be a good idea to speak to the parent/guardian without the student present.

Educators should also utilize the mental health and social services provided through the district. When possible, connect with school counselors, nurses, social workers and psychologists. Some districts do not have enough related service providers. In those cases, you should contact your administrator to find out what community supports are available for students and families.

F. I am worried about being available for my students. What about questions that happen “in the moment?” I cannot be available at all times. What can I do?

Educators should set personal boundaries. It is not necessary to be available at all times of the day to all students. Instead, you might create an online resource room that is staffed by an

ESP. Let students know they can get real-time help in the resource room during set hours. In addition, educators might create a discussion board and allow students to offer assistance to their peers. This is a great way to teach students to work in collaboration.

You will have multiple forms of communication coming at you during this transition. Do your best to respond in a timely manner. Have faith that serious emergencies will rise to the top of your attention and the other questions and concerns will be addressed as you have availability.

G. Will a student's disabilities show up differently online? What might that look like?

What will educators see?

You know your students and you should trust your observations. Do not be afraid to ask questions. Collaborate with other educators to see if they are noticing similar patterns. Some disabilities may manifest in new ways online. Evaluate each student and document any changes in performance. Here are some other considerations:

1. Some students with **autism** thrive in online settings. Many find that the social interactions that create unexpected reactions in the classroom are now limited. For others, the constant presence of a sibling may present new reactions and triggers.
2. Remember the family dynamic is different than the classroom dynamic. Allow students the space and distance they need to navigate their new learning environments.
3. An EBD diagnosis can often, but not always, look different in an online setting. This can be one of the more difficult diagnoses to address through a distance learning plan. Watch for changes in communication. Some students with EBD may over-communicate with educators as an attention-seeking strategy. Remember to set boundaries. Observe how characteristics of EBD might be shifting in online settings. Collaboration with colleagues can also help you identify new ways EBD based behaviors manifest online.
4. Some students are accustomed to online video game platforms. It may be easy for these "gamers" to slip into the colloquial language appropriate for those platforms. Educators will need to remind some students to use their school vocabulary and not their game vocabulary in their academic work.
5. Some students, especially younger students, might not know online grammar and etiquette. For example, they may not know that all capital letters indicate shouting and anger. The student may just think it is easier to type in all caps. Be patient and assume good intent. Treat these moments as learning opportunities.

H. Are we doing more damage than good? Is distance learning worth the stress?

It is normal and healthy to question a change as drastic as distance learning for every student in our education system. Like any other mode of education, distance learning presents new

opportunities and challenges. You will not be able to accomplish all of the same goals in a distance learning setting, but you will also be able to provide new accommodations and lessons for students.

Use this as a growth opportunity. It is better to provide distance education than no education at all. Finally, distance education is the best way to keep everyone safe and healthy by slowing the spread of COVID-19.

I. I am worried that my students will become overwhelmed and experience burnout. How can I scaffold my education plans to prevent student burnout?

Educators know what is best for their students. In addition, most educators will have pre-existing relationships with students and families. That makes this transition to distance learning unique. You can build on the established relationships built through in-person communication. You should not try to become a master of all technologies in one week nor should they expect students and families to be fluent in all online mediums. Patience will be the key to success.

In addition, you should gain comfort from the relaxed federal guidelines that allow IEP teams to reassess what goals can be met in distance learning settings. More information about those regulations can be found [here](#).

Finally, you should also assess the home situation for each student. Scheduled phone calls or video chats will provide insight about the progress of each student. **Paraprofessionals and ESPs can help with these check-in calls and other educational support activities detailed [here](#).** In many cases, you will be taking on a coaching role in this new landscape, and it is important to allow students and families enough time to acclimate to their new routines.

Nora Fleming (2020, March 27) has provided important information about scaffolding in her article for Edutopia titled “**New Strategies in Special Education as Kids Learn from Home.**” You can access this article [here](#).

VI. Self-care reminders for special educators implementing distance learning plans

Educators are vulnerable to both secondary traumatic stress and compassion fatigue. This can complicate personal and professional lives. At this moment, everyone is under tremendous stress and uncertainty. Please review your mental health benefits available through your district and your insurance provide. Do not be afraid to access these services. Also, reach out for help when you need it.

It is important to engage in self-care strategies throughout your day. Here are some helpful tips:

A. Name your emotional state and identify what you believe to be the cause of your stress and overload. Identification is the first step to solving a problem.

B. Create a schedule and stick to it. Include mental and physical breaks in your schedule. Something as simple as a five minute break to move around your house can provide wonders for your mental health.

C. Be aware of your body and remember to H.A.L.T. (hunger, anger, loneliness and tired). Ask yourself if your fatigue and stress is caused by one of these four dynamics. This can help you find a solution to bring you some comfort.

D. Educators have also experience traumatic events. Be aware of your own triggers and how this new environment might be affecting your mental health.

E. Do not neglect social connections. Schedule virtual, social gatherings with friends, colleagues and families. Social distancing does not require you to isolate yourself from your social connections. You can keep in touch through a variety of communication tools.

F. Check-in on your colleagues, especially if you have not heard from them in a few days. We have to support each other in this time of mandatory seclusion.

G. Create a peer group at work to support emotional well-being in the time of distance learning.

Again, please seek the help of medical and mental health professionals if you feel overwhelmed, lonely, anxious, or stressed. You can also assess your workplace stressors using the ProQOL. This tool “is the most commonly used measure of the negative and positive affects of helping others who experience suffering and trauma. The ProQOL has sub-scales for compassion satisfaction, burnout and compassion fatigue.” This survey can help you identify specific stressors that need to be addressed. You can access the ProQOL [here](#).

Accessing in-person mental health treatment may be challenging right now. However, most insurance plans provide coverage for online and telephone counseling. One resource is [Talkspace](#), which offers on-demand text and phone counseling options. [BetterHelp](#) is another online option. Many individual therapists and counselors are also switching their services to skype, phone, or other virtual formats, so if you have a practitioner but are restricting your travel, ask them about remote options.

Mental health conditions are also protected by the [Americans with Disabilities Act](#) and the [Minnesota Human Rights Act](#). If you think you might need a work modification due to a mental health need, discuss it with a medical provider and consider requesting accommodations with your employer. The [Job Accommodation Network](#) now has a comprehensive list of accommodations for employees with mental health issues, as well as [specific guidance](#) related to COVID-19.

Educators may also benefit from creating their own self-care plans, even if they do not have a diagnosed mental health issue. The [GoodTherapy Blog](#) has a number of self-care and anxiety management tips from therapists, including [specific guidance](#) on how to deal with stress related to COVID-19.

If you need assistance navigating a physical or mental health issue that is affecting your ability to work, please contact your Education Minnesota field representative.

VII. Resources for special educators and students

A. General resources

1. The [Council for Exceptional Children](#) is providing free, limited access to their online webinars and recommendations for distance learning.
2. The [PACER center](#) is providing access to trainings and resources. They also provide a technology lending library, and they help guardians and families navigate special education due-process procedures.
3. The [American Federation of Teachers](#) has put together resources for supporting students with disabilities during the COVID-19 pandemic.
4. The [National Alliance on Mental Illness](#) provides resources about mental health and mental illness.
5. The [Minnesota Department of Education](#) has a dedicated webpage of special education resources for the COVID-19 pandemic.
6. The [Minnesota Department of Health](#) has issued guidance for schools and child care facilities.
7. [Online Education and Website Accessibility](#): YouTube video from the Office for Civil Rights

at the U.S. Department of Education with information on ensuring web accessibility for students with disabilities for schools utilizing online learning during the COVID-19 outbreak.

8. [Example of distance learning plan](#) (provided by NASDSE)

B. Specialized professional organizations of Minnesota educators

Minnesota has several professional organizations that represent educators with specific licenses and expertise. Each group has issued helpful advice about how to service students during the COVID 19 pandemic.

1. [Minnesota School Social Workers Association](#)
2. [Minnesota School Psychologists Association](#)
3. [School Nurse Organization of Minnesota](#)
4. [Minnesota Speech-Language-Hearing Association](#)
5. [Minnesota School Counselor Association](#)
6. [Minnesota Physical Therapy Association](#)
7. [Minnesota Occupational Therapy Association](#)

C. Physical education and developmental adapted physical education (DAPE) resources

The Minnesota Society of Health and Physical Educators (MnSHAPE) has created printable distance learning documents to help with physical education instruction during distance learning. These materials can be adapted to meet the needs of students who qualify for DAPE.

MnShape has also collaborated with [Special Olympics Minnesota](#) and the Minnesota Developmental Adapted Physical Education Association (MnDAPE) to provide distance learning materials. MnDAPE has created their own resources to help with specialized physical education instruction in distance learning environments, available here.

D. Resources by disability category

We have linked to advocacy groups and professional organizations that work in the area of special education. Each of these groups has a plethora of resources about serving students in the time of COVID-19.

1. Autism

[Autism Society of Minnesota](#)

[Autistic Self Advocacy Network \(ASAN\)](#)

[Autistic Women and Non-binary Network \(AWN\)](#)

[Autism Speaks](#)

2. Deaf/hard of hearing

[American Society for Deaf Children \(ASDC\)](#)

Phone: 1-800-942-2732 (ASDC)

Email: info@deafchildren.org

[American Speech-Language-Hearing Association \(ASHA\)](#)

Members: 800-498-2071 (Voice)

Nonmembers: 800-638-8255 (Voice)

301-296-5650 (TTY)

301-296-8580 (FAX)

Email: actioncenter@asha.org

[Educational Audiology Association \(EAA\)](#)

Phone: 800-460-7EAA (7322) (Voice)

Email: admin@edaud.org

[National Association of the Deaf \(NAD\)](#)

Phone: 301-587-1788 (Voice) or 301-587-1789 (TTY)

[Council of American Instructors of the Deaf \(CAID\)](#)

(817) 354-8414 V/TTY

[Alexander Graham Bell Association for the Deaf and Hard of Hearing](#)

(202) 337-5220 V (202) 337-5221 TTY (202) 337-8314 FAX

<https://www.agbell.org/COVID-19-Resources>

[Hearing Loss Association of America](#)

[MN Deaf/Blind Project](#)

3. Blind/visually impaired

[American Council for the Blind](#)

[National Federation of the Blind Minnesota](#)

Phone 410-659-9314

Email nfb@nfb.org

[American Foundation for the Blind](#)

212-502-7600

212-502-7601

4. Emotional behavioral disorders

[Council for Children With Behavioral Disorders/Council for Exceptional Children](#)

5. Specific learning disabilities

[Decoding Dyslexia Minnesota](#)

[Non-verbal Learning Disability Project](#)

6. Speech or language impairments

[American Speech-Language-Hearing Association \(ASHA\)](#)

Members: 800-498-2071 (Voice)

Nonmembers: 800-638-8255 (Voice)

301-296-5650 (TTY)

301-296-8580 (FAX)

Email: actioncenter@asha.org

7. Developmental delay

[National Association of Special Education Teachers](#)

8. Traumatic brain injuries

[Brain Injury Association of America](#)

[CDC guidance on traumatic brain injuries](#)