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Superintendent of Schools

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Dear Parent/Caregiver:

We know this period of school closure may be challenging for our students with disabilities and their families. You have been on our minds and in our hearts since we first began planning for remote learning, and especially throughout this difficult time. We know this hasn't been easy for you, and you are important to us. Please know that we remain committed to continuing the open and honest dialogue that has developed through the last couple of years. We will do our very best to continue to support you in whatever ways we can, so please reach out to your teachers, your building principals, or to us if there are ways we can assist you.

On March 30, 2020, we held a virtual meeting with the two SEPAC Co-Presidents, Patricia Jacotin and Emma Harding, and our School Committee SEPAC liaisons, Scott Bokun and Sara Cuthbertson. The following questions were identified as some of the most pressing concerns for you at this time. We realize that the answers to the questions that follow may leave you with more questions. As guidance from the state and federal levels evolves, it calls upon all of us to be flexible and understanding during this time. As student and family needs evolve and more information becomes available to us, we will continue to update you in the days and weeks ahead.

1. During this period of school closure will my child receive 1:1 services with a provider?

In light of the laws and existing guidance, as well as practical considerations, we will provide special education supports, services, accommodations, and modifications to students during the school closures to the extent that it is safe and feasible. During this national emergency, we will not be able to provide services in the same manner that your children received them in the past, but we will do our best to work with our families. One-to-one services will not be provided as they had been prior to school closure. Providers will recommend activities or resources that the student can do with home support. They will check in with students, parents, and caregivers to offer support and assistance with accessing the resources and activities. For example, if a student who received speech services prior to the school closure has an expressive language goal, we would encourage or help the home support person in eliciting verbal responses from the child. The speech therapist may work with the parent to encourage more than one word answers, ask what the child wants for lunch, ask "what do we need" questions (e.g. how do we make a sandwich), or offer choices to encourage them to express themselves in other ways. We have a team of educators to provide the home support person with additional assistance. If a child needs additional support, parents and caregivers are encouraged to contact their child's special education liaison.

2. Will there be an opportunity for my child to receive related services (e.g., Occupational Therapy, Physical Therapy) in a group setting?

Every effort will be made to support your child's IEP goal areas, but we are unable to provide related services in a group setting at this time. Parents and caregivers should be receiving activities and suggested resources that they can do with their child for their related service providers. Given the

physical nature of this type of instruction and the necessary restrictions on close contact, it is not possible to provide the in-person support by a trained therapist that your child received prior to school closure. It is also a challenge to provide related services in a group setting at this time due to privacy concerns. As we seek guidance and clarity from State officials, we will continue to explore the possibility of providing related services in a group setting. The District will provide compensatory services as needed.

3. What about confidentiality if my child does receive services in a group setting?

We have been working diligently these past couple of weeks to ensure that our virtual platforms are compliant with the Children’s Online Privacy and Protection Act (“COPPA”) and Protection of Pupil Rights Amendment (“PPRA”). We have taken precautions to address [Student Data Privacy](#) issues and to protect personally identifiable information from being disclosed to third parties through our use of software and virtual learning tools and technologies. We have developed a [LPS Virtual Learning Disclaimer](#) that is being sent to all parents and caregivers. The purpose of the Disclaimer is to reinforce that LPS strictly prohibits screenshots, pictures, audio/video recording, and distribution of any virtual educational experience in order to protect student privacy, proactively prevent potential cyberbullying, prevent the distribution of copyrighted materials, and comply with Massachusetts law. It also emphasizes to members of the school community that it is illegal to record another person through any medium without their knowledge in Massachusetts. While it is impossible to fully ensure confidentiality in a remote learning environment, we will do our best to protect the privacy of our students—and we need our school community’s help. We ask ALL parents and caregivers to take care not disclose any protected information that they may be privy to during any remote learning or virtual session (i.e., the names of other students participating in a small group lesson with parent permission).

4. What about a Free and Appropriate Public Education (FAPE) for my child? Does the District expect my child to maintain skills or make progress?

Students with disabilities remain entitled to a Free and Appropriate Public Education (FAPE), even during national/state declared emergencies. However, the provision of a FAPE must be “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. As COVID-19 continues to spread and [affect] the health and safety of LPS staff and their families, services may be impacted.”¹ Should our staff be unable to provide support and address regression within a reasonable timeframe, we remain committed to offering compensatory services.

Some of our students are thriving during this period of school closure, while others need more support. Due to the uncertainties associated with the pandemic and the impact it may have on students, staff, and families, it is difficult to cover the curriculum in a traditional way. Students in the Lexington Public Schools are engaged in enrichment activities that deepen their learning, and our educators are working diligently to check in consistently and offer support to our students and families. Similarly, students with disabilities have an opportunity to reinforce the skills they have learned through enrichment activities that have been recommended by their special educators and relate to their IEP goal areas. Traditionally compensatory services are identified on a case-by-case basis and are also determined by how long it would take for a student to recoup those skills. We have begun to discuss how we might approach compensatory services in the summer months, should patterns emerge around particular areas of need.

5. In light of the shifting federal and state guidance, what is the District’s position on compensatory services?

The more services we can safely provide to our students now, the less regression they will experience, and that has been our approach from the start. IEPs are written to be implemented within the school setting and with goals to be accomplished within a school year. However, we are now working in a remote learning environment with a different length to the school day. Some students may thrive and make progress in this new remote learning environment; it may be more difficult for others. We hope that most of our students can maintain the progress they achieved before the closing of school. We are aware that some may not and will require compensatory services once school resumes full time. We will do what it takes to support our students who are unable to recoup skills within a reasonable timeframe.

¹ “Coronavirus COVID-19 Guidance for Schools and Districts Regarding Special Education,” Stoneman, Chandler & Miller, LLP, April, 2020.

It is in everyone's best interest to continue to provide our students with disabilities related services to the extent feasible. This approach is the most effective way to mitigate students' additional (compensatory) service needs when this period of school closure ends.

If, due to the unprecedented circumstances, we are not able to provide sufficient services in order to offer students with disabilities a Free and Appropriate Public Education (FAPE); we will then consider, on an individual basis, what additional (compensatory) services are required in order to ensure the student receives a FAPE. We acknowledge that additional (compensatory) education may be necessary if there is regression in the student's skills as a result of not receiving services during an extended period of school closure.

6. What are the IEP timelines during the school closure and will LPS conduct virtual IEPs?

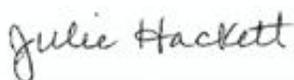
School districts are not required to hold IEP or 504 meetings or conduct evaluations during school closures. However, federal and state mandates around child find, initial evaluations, reevaluations, and annual reviews remain fixed, despite the circumstances. Currently the U.S. Department of Education has no authority to waive or provide flexibility to 504 or IDEA requirements, including timeline mandates.

In Massachusetts, state mandated special education timelines that exceed federal minimums remain fixed with no legal mechanism to provide variance or waiver without state legislative action. On April 3, 2020, the Department of Elementary and Secondary Education informed special education directors that three levels of legal requirements are involved in making changes to timelines: federal, state, and MA DESE. In the past, DESE indicated that they will work with districts to keep timelines within their authority flexible. Ultimately, we must make a good faith effort to contend with impracticably rigid mandates in the midst of a public health crisis in order to mitigate any potential liabilities.

While we await further guidance on timelines from MA DESE, Virtual Team Meetings are being planned in as timely a manner possible, beginning this week. This is a good faith effort to adhere to timelines to the best of our ability at this difficult time. Our plan is to start with the annual IEPs that have expired. With parental consent, we will do our best to get these done now to meet the needs of our families and avoid a backlog. ETs have begun sending emails to parents and caregivers inviting them to have their Team meeting in a virtual format and to receive documents electronically. Please know that not all Team members may be able to attend every Virtual Team Meeting; as needed, some educators may provide written input to the Team. Parents will be asked to give their consent to excuse a team member from attending the meeting. If you are more comfortable, you can wait until school resumes to have your Team meeting. We recognize that some students are more vulnerable than others (e.g., those who may be seeking initial eligibility, or those who require a consideration in the change of placement), and we are working to prioritize their meetings and evaluations.

In Lexington we are accustomed to paving our own way and doing what we can for our students, staff, and families. Special education services for LPS students are in progress, even as we await additional federal and state guidance. We encourage you to reach out to your child's dedicated special education liaison should you have any questions or need more support. We appreciate your patience as we work to balance the implications of this global health crisis and provide the services that your children need. Please let your children know that they are loved and missed by our LPS family. We hope that you and your loved ones are healthy and doing well during these difficult times. We look forward to making a virtual connection with you soon!

Sincerely,



Julie Hackett, Ed.D.
Superintendent of Schools



Ellen Sugita
Director of Special Education