



## U.S. Department of Education Information

### On Impact of COVID-19 on IDEA & Testing/Accountability

On the afternoon of March 12, 2020, the U.S. Department of Education released new resources related to the Coronavirus Outbreak

1. [Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus 2019 Outbreak](#)
2. [Impact of COVID-19 on Assessments and Accountability Under the Every Student Succeeds Act](#)

#### IDEA

Based on the Questions and Answers document developed by the U.S. Department of Education, the following are some broad points of information that may help inform decision-making:

- If online learning is available, digital options to meet and collaborate on a student's Individualized Education Program (IEP) could be triggered and implemented during a selective closure due to COVID-19. The school-based multidisciplinary team with the parent is in the best position to decide needs for social, emotional, and academic development.
- If a student has COVID-19 and is absent, the student **must** be provided make-up services including their individualized objectives and goals on their IEP.
- The IEP team holds decision-making authority with regard to missed services and options such as compensatory services and/or extended school year services.
- An IEP **may** consider a distance-learning plan for a student with an IEP as a contingency plan if an outbreak requires that school(s) close.
- IDEA Part B funds **may** be used to disseminate health and COVID-19 information related to students with disabilities, such as developing emergency plans for the students and providing information on alternate locations for services.

#### **Excerpt:**

Question A-1: Is an LEA required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 outbreak?

Answer (excerpt): The IDEA, Section 504, and Title II of the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time (generally more than 10 consecutive days) because of exceptional circumstances, such as an outbreak of a particular disease. If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504.

## ESSA

Today, the U.S. Department of Education also committed to working with state and local educational agencies to provide flexibility in complying with ESSA requirements.

In summary, if a school is unable to meet certain benchmarks due to absenteeism or school closure, the Department would consider a “*targeted one-year waiver*” so that the participation rate or absenteeism metric would not be factored into the school's Academic Achievement indicator.

Here are highlights from the U.S. Department of Education Office of Elementary and Secondary Education's guidance on [K-12 flexibilities](#) under ESSA:

- ESSA fiscal provisions already include waiver authority and flexibility for LEAs to meet the requirements, but the Department is asking districts to contact them to discuss any concerns about fiscal requirements resulting from actions taken in response to COVID-19.
- The Department indicated it would consider a “targeted one-year waiver” of the assessment requirements of school systems impacted by closures that affect the entire testing window.
- The Department encourages states with schools that must close due to COVID-19 to consider adjusting or extending the testing window to accommodate as many students as possible.
- The Department will consider a one-year waiver of the requirement to identify a school for comprehensive or targeted support and improvement if the reason for the identification is due to the school being closed for a significant portion of the year.
- The Department will consider a one-year waiver of the 95% assessment participation rate requirement for States that are still able to administer assessments, but require flexibility with regard to other components of their accountability systems.
- The Department will consider a one-year waiver to exclude chronic absenteeism from State's accountability systems.