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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

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(X) Informational

BULLETIN NO. 019-20 EXECUTIVE SERVICES

TO: Educational Service District Superintendents
School District Superintendents
School District Business Managers
School Principals
Special Education Directors
Food Service Directors
School Nurses

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Guidance for Long-term School Closures as of March 13, 2020

CONTACT: See Contact Information on Page 11

PURPOSE AND BACKGROUND

To slow the spread of the novel coronavirus (COVID-19) in Washington state, Governor Inslee announced on March 13 that all public and private K–12 schools in the state will be closed through Friday, April 24.

As schools, students, families, and communities plan for closures, the Office of Superintendent of Public Instruction (OSPI) is committed to providing ongoing guidance and resources as we sort through this unprecedented situation together. This bulletin will be the first in a series since the Governor’s closure announcement. Please note, if a topic is included in multiple rounds of guidance, the most current guidance will override prior guidance.

This bulletin addresses:

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2. Rulemaking (page 2)
3. State and federal funding (page 2)
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ALLOWABLE BUILDING ACTIVITIES

During mandatory closures, school districts will be prohibited from providing in-person educational, recreational, and other K–12 school programs using their school buildings and facilities. Districts will not be prevented from providing instruction through online learning models (so long as those can be provided equitably) or from using their facilities to provide childcare, professional development, staff meetings, Individualized Education Program (IEP) meetings, direct services to individual students, or other activities deemed appropriate by the district administration. Any gatherings within school facilities should comply with applicable social distancing directives and health and safety recommendations. We will share future guidance from health officials.

RULEMAKING

At this time, OSPI is suspending any further consideration of the seated lunchtime rulemaking. All public hearings scheduled for this spring will be postponed until next year. In addition, the rulemaking hearing scheduled for March 30 regarding alternative learning experience (ALE) will be postponed.

STATE AND FEDERAL FUNDING

State Apportionment

OSPI is committed to providing ongoing apportionment payments to school districts during the closure. OSPI will file an emergency rule to allow districts to claim students with more than 20 days of consecutive absences due to COVID-19.

Count Days

- The monthly count day is the first school day of the month.
- If districts reopen sometime in April, the count day would be the first day back. Normal count days will fall on the first school day of the month from that point forward.
- If school district operations do not resume in April 2020 or at a later point during the 2019–20 school year, OSPI will use February 2020 enrollment and apply an adjustment rate. For the apportionment payment process, OSPI will use the most recent count date available.

Adjustment Rate

The adjustment rate refers to the historical trend of enrollment changes in the last few months of the school year. We will use district level enrollment by grade from school year 2018–19 to determine the “adjustment rate” per month.

Paying Federally Funded Staff During the Closure

If districts are using state or local funds to pay their state and locally funded staff during the closure, they may continue to use federal funds to pay the salaries of their federally funded staff. Future guidance will include additional information on this.

ASSESSMENTS

As of March 13, state assessments are canceled statewide for the remainder of the 2020 school year. These include: Smarter Balanced Assessments (English Language Arts and Math) for grades 3–8 and 10; Washington Access to Instruction and Measurement (WA-AIM) English Language Arts and Math for grades 3–8 and 10; English Language Proficiency Assessment (ELPA21); Washington Comprehensive Assessment of Science for grades 5, 8, and 11; Washington Access to Instruction and Measurement (WA-AIM) Science for grades 5, 8, and 11; WIDA Alternate ACCESS for English learners; and WaKIDS for Transitional Kindergarten.

If a student has completed or partially completed any of the above assessments, districts should submit or return the assessments or other information using the regular processes. Districts should return any unused materials.

Assuming school districts reopen later this spring, graduating seniors may choose to take an assessment to meet graduation pathway requirements or to earn the Seal of Biliteracy. Additional information regarding assessments, graduation pathways, and graduation requirements will be issued in future bulletins and guidance.

FEDERAL ACCOUNTABILITY

Equitable Services

Regardless of school closure, public school districts must continue the consultation process with private schools to address information related to equitable services for eligible students.

Monitoring Requirements

As of March 16, 2020, OSPI will suspend all state and federal monitoring activities until further notice. All *on-site monitoring visits*, including Consolidated Program Review (CPR), Methods of Administration (MOA), and Special Education (Washington Integrated System of Monitoring [WISM]) will *conclude* for the remainder of the school year.

All CPR, WISM, and MOA *limited and desk reviews*, including WISM self-assessment requirements, will be *paused* until further notice. OSPI staff will be available to provide technical assistance to district staff and will review documentation previously submitted by districts; however, no new requirements will be placed on school districts for the duration of this school year.

All federal and state laws and regulations, including the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA) remain in effect. This monitoring guidance does not impact the ongoing civil rights investigations as submitted to OSPI. Civil rights dispute resolution activities, including complaint investigations and due process hearings, will continue, although the timelines for these activities may be impacted. OSPI is available to provide technical assistance and engage with district staff on federal accountability as needed.

SPECIAL EDUCATION

The Special Education division at OSPI continues to issue updated guidance in response to common issues and questions. The responses below reflect common questions the division has received. Districts should expect continuing guidance, and the division will provide technical assistance, clarifications, and corrections to previously issued guidance if needed.

1. What should special education services (e.g., specially designed instruction (SDI) accommodations) and related services look like during the statewide school closure?

- If the district is not providing educational services to students during the closure, then there is not a requirement to provide special education services during the same time period. Districts will want to consider special education needs on a case-by-case basis during the closure to address health and safety needs of students with disabilities.
- If the district continues providing education opportunities to students during the closure, this includes provision of special education and related services, too, as part of a comprehensive plan. This requirement ensures students with and without disabilities are treated equitably and is required by federal and state anti-discrimination laws, including Title II of the ADA, Section 504 of the Rehabilitation Act, and the IDEA. District leaders should consider the use of accessible distance technology, the use of small groups of students with disabilities and access to nondisabled peers, instructional phone calls, and other curriculum-based activities. [The Special Education Technology Center, an-IDEA funded State Needs Project, has provided technical assistance.](#) District staff and staff from other impacted agencies and facilities should be included in planning efforts, as they bring expertise regarding services to students with disabilities, which can be embedded through the district plan. There may be “exceptional circumstances” that could affect how a particular service is provided,¹ which may result in a later need to provide compensatory education.
- Districts should communicate the expectation and plan to meet with Individualized Education Program (IEP) teams, including parents, when school resumes, to address student-specific needs resulting from the closure. This might include discussions of compensatory education and extended school year (ESY) services, made on a case-by-

¹ Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak, U.S. Department of Education, March 12, 2020.

case basis. Any need for compensatory services related to school closure or inability to fully implement a student’s IEP will be addressed after school resumes. When educational services are provided, districts will want to collect progress data for IEP goals in order to inform parents and IEP teams and assist in compensatory service decisions later.

- For students with special health care needs as identified by IEPs, 504 plans, health care plans, and the student’s parents, districts should address those needs on a case-by-case basis.

2. How should school districts provide special education services during school closures?

- There is no defined or correct delivery method that will equitably meet the needs of all students. Districts need to be flexible and consider employing a variety of delivery options.
- Districts should prioritize health and safety of students, staff, and communities. Districts should identify and acknowledge service delivery limitations, as well as the need for districts to “make every effort to fully implement a student’s IEP or 504 plan” once school resumes.² This requirement to “make every effort...” does not allow a district to decline all services to students with an IEP and only offer compensatory services at a later date.
- As district leadership plans for rollout of educational services during school closures, they should consider, address, and communicate equity needs for students with disabilities (with IEPs and 504 plans), English learners, students from low-income families, those placed in-private facilities inside the state and in other states, those receiving preschool services, and those served in community school-to-post school transition programs, home/hospital placements, and state and county institutions.
- Districts should understand that parents of students with IEPs are concerned about district plans and whether those plans consider or appropriately address the needs of their child.
 - Districts should consider the need and methods to provide proactive and ongoing communication with parents of students with disabilities. Districts should identify communication channels to and from parents and ensure there are real-time opportunities for questions and concerns to be responded to and needs addressed.
 - Districts should clarify their expectation and plan to meet with IEP teams, including parents, when school resumes to address student-specific needs

² Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak, U.S. Department of Education, March 12, 2020.

resulting from the closure. This might include discussions of compensatory education and extended school year (ESY) services made on a case-by-case basis. Any need for compensatory services related to school closure or inability to fully implement a student's IEP will be addressed after school closures end.

3. Does the Governor's Proclamation allow for in-person Part C to Part B transition meetings, evaluation/eligibility meetings, IEP meetings, student assessment, or child find screening during the school closure? Should districts amend IEPs and issue Written Prior Notice (WPN) of changes to services resulting from school closures?

- There is no prohibition against holding meetings at a school, conducting individual student assessments, or providing related services on a case-by-case basis, provided that appropriate social distancing methods are used.
- Districts should also consider ways to use distance technology (e.g., Zoom, conference calls) to the extent possible to provide child find, hold initial and annual IEP meetings, and/or evaluation/eligibility meetings, if staff and parents are available but not able to attend in person. Continuing to complete IEP and evaluation/eligibility meetings will help decrease the workload when school resumes. If staff and/or parents are not available or believe their participation is impacted by the lack of an in-person meeting, districts should document the reason and complete the activity in a timely manner following the ending of school closures.
- Districts may wish to create a template document that assists school staff in documenting decisions made, why timelines were exceeded, and documentation of participation and consent through temporary alternate methods, such as email or notes. Districts should not create a standard form that is not individualized and applied to all files and activities.
- In planning for school closure and the potential distance delivery of educational services (including special education and related services), district and school staff will want to prioritize decisions and actions based on health and safety first, communication with staff and families, and then consider requirements of IDEA and Washington Administrative Code (WAC) 392-172A, including the need to update IEPs and provide WPN.

- 4. If a district is going to provide distance learning only to certain grade levels—for example, only to seniors so they can accrue credits towards their graduation—is the responsibility of Free Appropriate Public Education (FAPE) only applicable for that grade level, or is it for all students?**

 - If services are being provided by the district to select grade levels, then IEP services should also be provided to students in those grades to avoid discrimination under Section 504 and Title II. OSPI will soon provide additional information regarding the selection of specific grades to provide educational services to during school closures.

- 5. Does the childcare request in the Governor’s proclamation include students of all ages within the district (e.g., adult school-to-post-school transition, high school students) highly impacted by his/her disability (particularly for students who need care and cannot be alone)?**

 - While there will be additional guidance coming related to childcare referenced in the Governor’s proclamation, childcare opportunities offered through the district should be considered for district children of all ages, including those who are most vulnerable and those with significant disabilities.

- 6. Do you foresee any additional funding considering the possible increase in compensatory services this summer?**

 - At this time, OSPI is not aware of the availability of additional funding and will share this question with state and federal leaders.

- 7. If districts significantly need to change ESY services as a result of the closures, how would this affect district Safety Net submissions?**

 - OSPI has an existing opportunity for districts to amend or update Safety Net submissions, as included in [Bulletin B070-19](#), by May 8, 2020. OSPI will continue to monitor the situation and impact to districts and adjust the timeline as needed. Districts are encouraged to submit requests for extensions, if needed, in May.

- 8. How will OSPI view 'exceptions' resulting from the impact of COVID-19 on Safety Net awards?**

 - At this time, there is no waiver from IDEA requirements, including IEP and eligibility timelines. Districts should continue to submit Safety Net applications and explain if timelines have been exceeded.

- 9. What should districts do with WA-AIM assessments?**

 - As of March 12, 2020, Washington state has ended state assessments. If you have already performed some or all of the WA-AIM with a student or students, please submit to OSPI.

10. How do school closures impact IDEA dispute resolution options, activities, and timelines?

- There is no waiver from IDEA dispute resolution options and timelines, including state Citizen Complaints and Due Process Hearings. OSPI will continue to respond to submissions from parents, the community, and districts in a timely manner, and will consider whether extenuating circumstances demand changes in activities and timelines. In the event changes are needed, they will be documented and shared with involved parties.

11. What are the expectations for services when both the school district and Non-Public Agency (NPA) are closed due to the COVID-19 outbreak?

- School districts and NPAs should work together to communicate with families of a student placed at the NPA regarding learning resources and support that may be available during the school closure. The district and NPA are also encouraged to stay in communication about plans for addressing the effects of any school closure on an individual student's needs for ongoing services once school resumes.

13. What if during school closures an NPA is providing online/remote learning opportunities? Are school districts expected to also provide online/remote learning opportunities?

- School districts are encouraged to allow students placed at an NPA to take advantage of any services being offered by the NPA. If an NPA has transitioned to online/remote service delivery due to the school closures, the NPA should (1) communicate these plans to the school district and (2) work together with the district to explain how a student placed at their school or facility can take advantage of the learning opportunities being offered. The NPA and school district can also begin making plans to address the effects of any transition to online/remote learning may have on an individual student's needs for ongoing services.
- School districts will determine at a local level if online/remote services will be made available, taking under consideration the equity needs of students receiving special education. There is no requirement, however, for school districts to make services available to all students receiving special education if a small number of students are able to access services through an NPA.

14. Do school districts continue to make payments to NPAs if an NPA is closed? Will these payments be eligible for Safety Net?

- School districts and NPAs should refer to the terms of their contract for services to determine how payments to retain the services of the NPA will proceed. This discussion may need include consideration of any online/remote services delivery options made available by an NPA during closure due to the COVID-19 outbreak.

- Payments made by school districts to NPAs during the period of school closure, as required under the contract, will be eligible for Safety Net.

15. How do school districts with students placed at a residential out-of-state NPA transport students back to Washington?

- The primary responsibility of school districts and residential out-of-state NPAs is to ensure the safety of the student. The school district and NPA should work together to contact the student’s family and discuss options with the family for the safest and most reasonable means of transporting the student back to Washington, in the event that it is needed.

16. What if the school district is closed and an out-of-state NPA remains open?

- An out-of-state NPA that remains open should continue providing services to a student placed at their school/facility and communicate these plans to school district. If an NPA remains open and the student placed at an NPA should require an extended absence due to the COVID-19 outbreak, then the NPA should be in communication with the school district about the student’s needs and the IEP must meet and determine whether the student is available from instruction and could benefit from services. If the student does not receive services after an extended period of time (generally more than 10 consecutive days), the district must determine whether and to what extent compensatory services are needed³.

Additional information:

- Special education correction of non-compliance (iGrants Form Package 442) – Local Educational Service District (ESD) staff are working with a number of identified districts to verify the correction of non-compliance described in the district’s Form Package 442. It is possible for this verification work to continue, since the verification could be completed through phone interviews, reviews of corrected documents via fax or Zoom, etc. However, if ESD staff need additional time to complete the verification work, they can request an extension to the June 1, 2020 deadline by contacting jennifer.story@k12.wa.us.
- Comprehensive, Coordinated Early Intervening Services (CCEIS) Plan – Districts who have been designated as having significant disproportionality can request an extension to the May 1, 2020 deadline for submitting the district’s CCEIS plan, if needed, by contacting jennifer.story@k12.wa.us.

³ Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak, U.S. Department of Education, March 12, 2020.

CONSIDERATIONS FOR PAID SCHOOL STAFF

Collaboration and Communication

It is important for school staff, district staff, and education associations to work together to maintain proactive and ongoing relationships. Keep communication lines open and strive to provide consistent messaging to your communities. Many of the issues and questions you will face together are subject to local collective bargaining. Labor and management must work together to build supports for all students. This will require flexibility and may necessitate paid staff to perform different duties than they are normally assigned. Districts have a variety of expertise and talented staff. Together, consider who is best positioned to deliver work that is now needed.

Teacher and Principal Evaluations

OSPI recognizes that many evaluation cycles are not complete, and the closures may disrupt typical processes and timelines. OSPI will provide guidance on teacher and principal evaluation in upcoming bulletins.

MEALS AND NUTRITION

Many students rely on school meals to meet their nutritional needs. Additionally, as this outbreak begins to impact the economic environment, we know more families may find themselves needing assistance. During these school closures, school districts may provide breakfast and lunch to any student, regardless of their family income, at the location(s) designated by the district.

Each district and school have a unique set of circumstances and resources. OSPI is individually assisting districts and schools to determine how to best meet community needs. [More information and guidance related to school meals is available on the OSPI website.](#)

INFORMATION AND ASSISTANCE

For questions regarding school apportionment, please contact Michelle Matakas, Director of School Apportionment and Financial Services, at 360-725-6019 or michelle.matakas@k12.wa.us.

For questions regarding assessments, please contact Deb Came, Assistant Superintendent of Assessment and Student Information, at 360-725-6336 or deb.came@k12.wa.us.

For questions regarding federal funding or Consolidated Program Reviews (CPR), please contact Gayle Pauley, Assistant Superintendent of Special Programs and Federal Accountability, at 360-725-6170 or gayle.pauley@k12.wa.us.

For questions regarding Washington Integrated System Monitoring (WISM), please contact Jennifer Story, Program Supervisor of Special Education Outcomes, at 360-726-6025 or jennifer.story@k12.wa.us.

For questions regarding Methods of Administration (MOA), please contact Becky Wallace, Executive Director of Career and Technical Education, at 360-725-6243 or rebecca.wallace@k12.wa.us.

For questions regarding Special Education, please contact Glenna Gallo, Assistant Superintendent of Special Education, at 360-725-6075 or glenna.gallo@k12.wa.us.

For questions regarding staff expectations, please contact Cindy Rockholt, Assistant Superintendent of Educator Growth and Development, at 360-725-4991 or cindy.rockholt@k12.wa.us.

For questions regarding food and nutrition services, please contact Leanne Eko, Director of Child Nutrition Services, at 360-725-0410 or leanne.eko@k12.wa.us.

The OSPI TTY number is 360-664-3631. Previous guidance and additional information related to COVID-19 and school closures is available on the [COVID-19 page of the OSPI website](#). This bulletin is also available on the [Bulletins page of the OSPI website](#).

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