### **School Guidance**

#### **Answers to Common Questions**

Information will be updated on this page as it's made available - please check back frequently.

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#### **Closed Schools**

#### 1. What schools are closed?

Under <u>Governor Wolf's directive</u>, all schools in Pennsylvania are closed. This includes: public K-12 schools, brick and mortar and cyber charter schools, private and parochial schools, career and technical centers (CTCs), intermediate units (IUs); and childcare centers operating within any of the aforementioned; educational programming for students in non-educational placements such as residential settings (boarding schools), residential facilities, detention centers, and hospital settings; PA Pre-K Counts, Head Start Programs and Preschool Early Intervention programs/services; and Private Academic Nursery Schools and locally funded prekindergarten activities. Additionally, postsecondary institutions have suspended in-person instruction and non-essential services.

## 2. How should schools with residential programs modify their programs due to closure?

The Governor's directive closing all public and private schools extends to in-person educational programming for students in non-educational placements such as residential facilities, detention centers, and hospital settings. Such programs may choose to offer continuity of education that does not involve in-person instruction in accordance with applicable standards and requirements.

#### **Essential Staff**

#### 3. What staff are essential?

In accordance with Governor Wolf's order, these decisions should be made locally, provided that social distancing of at least 6-feet per person is maintained to the greatest extent possible. Examples of essential responsibilities may include, but are not limited to: administration, food preparation and distribution, housing, security, information technology, building maintenance, and operations (e.g., payroll).

#### 180 Days/Hours

# 4. What are the consequences for districts/schools that don't meet the 180-day/hours (990/900/450) requirements?

PDE will not penalize districts/schools that fail to meet the minimum 180-day/hours (990/900/450) requirements as a result of COVID-19 response efforts. PDE will provide a simplified form that districts/schools can use to report any shortfall in days or hours.

5. Recognizing that schools will not be penalized for failing to meet the minimum 180-day/hours (990, 900, 450) requirement because of COVID-19 response efforts, must schools adjust their calendars to meet those requirements?

No; however, schools are strongly encouraged to plan possible adjustments to their calendars (e.g., use of snow days, Act 80 days, extension of school year, etc.) to provide as much instruction as possible during this unprecedented event. Once PDE develops additional guidance, schools falling short of the 180-day/instructional hour requirements will be required to report their total days and hours for the year on a simplified form; completed forms will be deemed approved.

#### **Meals for Children**

#### 6. How will students access meals while schools are closed?

Pennsylvania sought and received approval from the Federal government to allow schools the option to distribute meals at no cost while schools are closed. Districts/schools that want to <u>act on this Federal approval must apply to PDE</u>. PDE has begun and continues to expedite approvals. Districts/schools may utilize essential staff to ensure students have access to meals.

PDE is partnering with the Pennsylvania Department of Agriculture, the Pennsylvania Department of Human Services, the Pennsylvania Emergency Management Agency, other state agencies, the American Red Cross, and public and private partners to expand these efforts.

7. Are volunteers who assist in food distribution and/or delivery to children required to have clearances under the Child Protective Services Act?

The Child Protective Services Act requires clearances only when a volunteer has "direct volunteer contact" which is defined as "the care, supervision, guidance, or control of children and routine interaction with children." Volunteers who are distributing and/or delivering food are not in charge of the child's care, supervision, guidance, or control; as such, they do not require clearances.

#### **Continuity of Education**

8. Are schools required to provide any type of instruction during the closure of schools due to COVID-19 response efforts?

No. PDE recognizes that the rapidly evolving pandemic may make it impossible to implement continuity of education plans. Although not required, many schools have plans, or are creating plans, to provide continuity of education. Intermediate units are preparing to offer technical assistance for schools interested in developing such plans; that support will be available by Friday, March 20.

### 9. For school entities considering continuity of education, what options are available?

Educational services may continue in a variety of ways, including: Flexible Instruction Days for districts/schools with approved plans; online/digital learning opportunities; non-digital learning opportunities (e.g., materials sent home with students). The decision to employ one or more of these methods of continuity of education is to be made at the local level based on feasibility, availability of resources, access and equity considerations, and the Commonwealth's social distancing recommendations.

Whatever decision is made, LEAs must ensure full access to learning for all students, with particular attention to free appropriate public education (FAPE) for students with disabilities and English as a second language (ESL) services for English Learners.

# 10. When schools elect to provide continuity of education, using any of the options described above, will these days/hours count toward the 180-day/hours (990/900/450) requirement?

When providing continuity of education during closure, schools may offer opportunities in varying degrees of intensity, from enrichment and review to full instructional days (which includes meeting all required coursework and FAPE for students with disabilities and ESL services for English Learners), in accordance with aggressive social distancing guidance. When schools are providing full instructional days for all students, that time can count toward the 180-day requirement. Although enrichment and review do not count toward day/hour requirements, schools are strongly encouraged to provide as many instructional opportunities to students as possible during the closure.

#### **Free Appropriate Public Education (FAPE)**

# 11. Is a school required to continue to provide FAPE to students with disabilities during a school closure caused by COVID-19 response efforts?

When a school is closed because of COVID-19 response efforts and does not provide any educational services to the general student population, the school is not required to provide services to students with disabilities during that closure period. Once school resumes, the district/school must provide special education and related services to the child in accordance with the child's individualized education program (IEP) or Section 504 plan.

When a school is closed because of COVID-19 response efforts and does provide educational services to the general student population, the school must ensure that students with disabilities have equal access to the same opportunities, including the provision of FAPE. In addition, districts/schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP or Section 504 plan.

Once school resumes, a child's IEP team (or appropriate personnel under Section 504) must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost during the closure within a reasonable timeframe.

#### **Early Intervention**

#### 12. Will Early Intervention services be offered while schools are closed?

Preschool Early Intervention programs should suspend all services to children and families in alignment with public K-12 closures. If the Preschool Early Intervention administrative offices are open while Preschool Early Intervention services are suspended, referrals to Early Intervention should continue to be managed by the program; once services resume, referrals can proceed.

#### **Pre-K Counts/Head Start**

## 13. Are PA Pre-K Counts and Head Start Supplemental Programs expected to close?

PA Pre-K Counts (PKC) and Head Start Supplemental Assistance Program (HSSAP) Grantees operating within a K-12 building should close in alignment with the closure of all schools. In addition, those grantees operating PKC or HSSAP in community-based settings should also close per the Governor's statewide disaster decree. In order to track program impacts, closures must be reported to both the Preschool Program Specialist assigned to each grant and to the Office of Child Development and Early Learning: RA-PWOCDELFacilClose@pa.gov.

#### **Transportation**

# 14. Are public school entities required to continue nonpublic school transportation services while those public schools are closed during COVID-19 response efforts?

No. To further the Commonwealth's social distancing guidance, public schools will not provide any transportation services.

#### Assessments

# 15. <u>This section is being updated based on the announcement made by Secretary Rivera on March 19, 2020.</u>

#### **Student Teaching**

#### 16. Will PDE waive field experience requirements for teacher candidates?

The Wolf Administration is committed to working with the General Assembly to enact legislation that will provide the Secretary with authority to adjust field experience and other requirements impacted by school or educator preparation program closures resulting from COVID-19 response efforts.

#### **Special Education Services**

PDE's Bureau of Special Education will provide additional details and updated information directly to Local Education Agencies (LEA) Special Education Directors.

17. Are LEAs (School Districts, Charter Schools, Cyber Charter Schools, IUs, CTCs, etc.) required to meet Individuals with Disabilities Education Act (IDEA) timelines for evaluations, re-evaluations, Individualized Education Programs (IEP) meetings, and reporting?

LEAs should make every effort to meet federally- and state-mandated timelines including through virtual means or teleconferences to the extent appropriate and available. Typical practices should be followed to the maximum extent possible, which includes ensuring parents and/or guardians are provided with the opportunity to participate meaningfully.

The U.S. Department of Education (USDE) released the following guidance concerning IEP meetings, evaluations, and re-evaluations during the COVID-19 closure: *IEP teams* are not required to meet in person while schools are closed. If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents. 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. <a href="USDE: Addressing the Risk of COVID-19">USDE: Addressing the Risk of COVID-19</a> in Schools While Protecting the Civil Rights of Students (March 16, 2020)Opens In A New Window.

18. Can LEAs provide enrichment or review activities for students with disabilities?

Yes. Although not required, LEAs are strongly encouraged to provide enrichment or review activities to all students. If provided, enrichment or review activities must be made available and accessible to all students.

# 19. What are the implications for Free Appropriate Public Education (FAPE) if LEAs choose to provide instruction during the COVID-19 response efforts?

FAPE must be considered when providing instruction to all students, regardless of how school days or school hours are reported. Intermediate Units and PATTANs are prepared to offer technical assistance for LEAs interested in developing plans for such instruction.

# 20. If LEAs are providing instruction during COVID-19 response efforts, how should they respond to IEPs that they are unable to implement as written?

Special education or related services may need to be adjusted through the IEP process. IEP teams should work to ensure that students are receiving appropriate services during the COVID-19 mandatory closure and ensuring alignment with aggressive social distancing guidelines. The mode of delivery might include schoolwork, packets, online learning, or some other appropriate learning adapted to the student's needs and individual situation. LEAs should continue to follow local policies regarding changing or amending an existing IEP.

According to previous guidance from the USDE Office of Special Education Programs (OSEP), if an LEA continues to provide instruction to the general school population during an extended closure due to a disaster, but is not able to provide services to a student with a disability in accordance with the student's IEP, the student's IEP team determines which services can be provided to appropriately meet the student's needs.

# 21. If school is closed for an extended period, should IEP teams convene to examine the extent to which FAPE was or was not provided during the closure?

LEAs are responsible for reviewing how the closure has impacted the delivery of special education and related services to students eligible for special education services. Once school resumes, a child's IEP team (or appropriate personnel under Section 504) must make an individualized determination whether, and to what extent, compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost during the closure within a reasonable timeframe.

#### **Enrollment**

22. Are LEAs responsible for enrolling students within five days of when a child attempts to enroll while schools are closed or not providing instruction due to COVID-19 response efforts?

No. During the time an entire LEA is closed or not providing instruction due to the unprecedented COVID-19 response efforts, an LEA is not responsible for enrolling children within five days.

Once an LEA (or any schools within the LEA) reopens or resumes instruction, the LEA should permit any child to attend school or participate in instruction on the next school day after the day on which the child is presented for enrollment, and in all cases within five (5) business days of the LEA's receipt of the required documentation as set forth in the Enrollment of Student BEC.

PDE recognizes that some students and families may move during the course of this closure, and encourages LEAs to open lines of communication with those families to ensure an efficient process when schools reopen.