



Guidance for IDEA Evaluation Services During COVID-19 Crisis Response

This document summarizes the position of the Alabama Association of School Psychologists (AASP) as it relates to the Individuals with Disabilities Education Act (IDEA) timelines and services. Resources include [guidance documents](#) provided by the U.S. Department of Education (USDOE) as well as [guidance](#) from the National Association of School Psychologists (NASP). While we agree we should collaborate with our colleagues at the federal, state and local level, *we feel the primary focus is the health and safety of our students; while the secondary focus is reasonable efforts to continue with specially designed instruction and services.*

Local educational agencies (LEAs) and early intervention service (EIS) programs must collaborate with the Alabama State Department of Education Special Education Services, and the local public health department as appropriate about how, what, and when services should be provided to infants, toddlers, and children with disabilities.

1. How should Individualized Education Plan (IEP) meetings and special education evaluations be conducted during long-term school closures due to COVID-19?

- a. *Local agencies are encouraged to work with parents to reach mutually agreeable extensions of timelines, as appropriate.*
 - i. Without access to children, IEP services cannot be provided to the fullest extent possible. Therefore, it would seem an egregious error for Local Education Agencies (LEA) to attempt to meet IEP timelines in most cases as the services have not been delivered for at least several weeks and mastery of goals may be in direct correlation to those lack of services.
 - ii. LEAs with the ability to conduct virtual meetings are encouraged to convene IEP teams (including all appropriate personnel) to discuss progress, review available data and suggest an IEP extension through a Written Agreement. When schools resume, LEAs are encouraged to show due diligence in following through with any extensions.
 - iii. IEP teams should not be required to meet in person while schools are closed. LEAs and parents are encouraged to think creatively about how to conduct video or teleconference IEP meetings while schools are closed.
 - iv. Mastering the Maze provides suggestions for parents unable to attend face-to-face meetings. However, IEP teams will likely need to consider other venues until the crisis has passed ensuring all appropriate members are represented at IEP meetings. We also raise awareness that a recent webinar with CASE (at the national level) indicated that although we are encouraged to seek involvement from parents in virtual meetings, their explicit permission is not required.

2. How should evaluations, both initial and reevaluations, occur?

- a. *Evaluations that require in-person testing or observations should be postponed until school reopens. If the evaluation or reevaluation does not require in-person testing or observation, it may be completed while school is closed, with parent consent (See page 3, paragraph 3, <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-coronavirus-fact-sheet.pdf>).*
 - i. Though some evaluation components may be completed online, many districts do not have this capability and have not been conducting evaluations in this way. To require them to do so, amplifies already strained budgets and personnel. These tests are often standardized in a paper-pencil, face-to-face format and alteration of this administration invalidates the standardization and validity of the assessment.
- b. *According to AAC, initial evaluations must be completed within 60 days of parental consent while eligibility must be determined within 30 days of final evaluation component (IDEA does not specify a timeline for eligibility). An IEP must be developed in accordance with IDEA and AAC.*
 - i. It is impossible for school psychologists and school psychometrists to complete some portions of initial evaluations without access to children (e.g., observations, individualized and standardized achievement and IQ tests, etc.). We would recommend completing the components that can be completed and documenting due diligence (through the Annotate Process) to complete evaluations when school resumes.
 - ii. If LEAs are required to meet timelines for initial evaluations, there are some considerations:
 1. Any standardized test administered in a non-standardized format must be documented and will be invalid
 2. There may be a significant lack of information required by the AAC for some eligibility codes due to lack of access thereby disqualifying a large amount of students currently in the evaluation process:
 - a. Work samples (teachers do not have access because they cannot enter their buildings)
 - b. Observations
 - c. Lack of ability to administer supplementary (i.e. secondary or “backup”) assessments (e.g., TAPS-4, TVPS-4, GORT5, etc.) to assist with eligibility decisions and IEP development
- c. *NASP indicated that when appropriate, reevaluations may be conducted through a review of existing evaluation data, and this review can occur without a meeting and without parental consent, unless it is determined additional assessments are needed.*
 - i. We do not believe it is best practice for practitioners to conduct reevaluations without meetings and without parent consent. However, IEP teams may conduct virtual meetings to review current IEP services, prior data, any current data (e.g., grades, attendance, discipline, DIBELS, STAR, teacher/parent input) and make continued eligibility decisions without updating testing at this time. The IEP is made aware that this can be reviewed at a later date once restrictions are lifted when requested by any member of the IEP team. This would allow LEAs to meet most reevaluation timelines. While some districts conduct full evaluations of students at their 3-year evaluations, it is important to note that progress is in large part due to their IEPs; therefore, it would be appropriate to review progress rather than rely solely on “updating a full evaluation.”
- d. *Typically, an Individualized Family Services Plans (IFSP) must be completed within 45 days of the lead agency receiving a referral. However, the timeline may not apply if the family is unavailable due to “exceptional family circumstances that are documented”; the COVID-19 pandemic could be considered an exceptional family circumstance.*

3. **Are we responsible for implementing IEPs/IFSPs and providing services during a school closure?**
- a. *If an LEA closes due to COVID-19, and educational services are not being provided to the general student population, then the LEA is not required to provide special education services during that same period of time. The IEP or 504 team would make an individualized determination about providing compensatory services based on applicable standards and requirements.*
 - b. *If an LEA continues to provide educational opportunities to the general student population during a school closure, students with disabilities must have access to the same opportunities. To the greatest extent possible, each student with a disability should be provided the special education services in their IEP or 504.*
 - c. *Part C services would not need to be provided to infants and toddlers with disabilities if the offices of the state lead agency, and Early Intervention Services (EIS) program or provider are closed.*

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