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Dear Parents of Students with Special Education Services,

As you know, Governor Baker has announced the closure of all Massachusetts schools through the remainder of the school year. This means that we will be continuing with remote learning through the remainder of the school year.

This letter is to provide you with additional information regarding the special education process in the Barnstable Public Schools during this time of school closure.

Our primary concern and priority continues to be the health and well-being of individuals in our community: students, parents and other caregivers, and teachers, other school staff, and everybody in our community.

This priority is consistent with federal guidance for special education that indicates, “school districts must provide a free and appropriate public education (FAPE) 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.” The Massachusetts Department of Elementary and Secondary Education (DESE) recognizes that these unprecedented circumstances may affect how all educational and related services and supports are provided. While the federal and state government will offer flexibility where possible, guidance has emphasized that many disability-related modifications and services may be effectively provided remotely.

The provision of special education may include, as appropriate, services provided remotely through resources and supports (such as strategies, projects, and packets provided to students matched with regular and ongoing communication from special education team members) and instruction (such as virtual, online, or telephone instruction). School districts are encouraged to make every effort to use creative strategies to provide special education instruction and services to the extent feasible.

BASIC PRINCIPLES:

Based on recommendations from the Massachusetts Department of Elementary and Secondary Education (DESE) regarding special education, the Barnstable Public Schools will:

- Make safety and wellbeing of students, families and staff the top priority
- Focus on equity for our most vulnerable students
- Maintain connections between school staff and students



- Provide special education services as best as possible while protecting the health and safety of students, educators and service providers
- Acknowledge that services are essential, but will be provided differently than they are when school is fully operational
- Provide students with special education resources, supports and services to promote continuity of learning
- Strive to make continual systemic improvements to increase the provision of services over time
- Assess our capacity for providing remote opportunities and communicate expectations to families and students

SPECIAL EDUCATION SERVICES

The Barnstable Public Schools recognizes that during this unique circumstance of school closure, not all students and families are able to participate in the educational process in the same manner. What may be possible, or “do-able,” for one family may be less so for another. Therefore, services must be delivered with as much flexibility as possible.

Special education instruction and services will be delivered through a combination of support and resources, and when feasible, more direct skills instruction. The combination of approaches will be dependent on the individual needs of the student and the student’s family. For many students, the primary educational contact will be through the student’s general education teacher(s). In these cases, the role of the special education staff may be primarily focused on providing support, including check-ins and direction to, and the provision of supportive resources that are connected to students’ learning needs as indicated in their IEP. For other students, the special educator may have a greater role in providing opportunities for more explicit instruction related to IEP goals and objectives.

In the next few weeks you will be receiving a special education Remote Service Plan. The Remote Service Plan is not an IEP. It is a communication about how your child’s special education support and services are being provided during this time of school closure. The Remote Service Plan is informational, and does not require a meeting and does not need to be signed or approved.

SUMMER EXTENDED SCHOOL YEAR (ESY) SERVICES

At this time, we do not know if we will be able to offer in-person services, as we typically do, for students who have qualified for special education extended school year services. The Barnstable Public Schools, like other districts, is waiting for further guidance from DESE on this topic. If your child has an IEP in place that indicates summer ESY services, we will be contacting you with further information and updates.



IEP MEETINGS:

Beginning the week of May 4, you may be contacted about participating in a remote IEP meeting. We will only hold remote meetings for parents who want to participate in and agree to a remote IEP meeting. Please note that we will not be able to have an IEP meeting for every student who had or has a meeting due between March 16 and when the school year officially ends on the last day of school in June. We will hold as many meetings as we can, taking into consideration the needs of and abilities of students, parents and caregivers, and staff to effectively participate. If you have questions about your child's IEP meeting, please contact the appropriate individual from your child's school, listed at the end of this communication. Some additional information about meetings and timelines follows:

General Requirements and Timelines: Despite the highly unusual circumstances, the Barnstable Public Schools are required to abide by child find, timelines, and other procedural requirements. While this may not be possible in all circumstances, we are dedicated to make a good faith effort to ensure Parents/Caregivers have meaningful participation in IEP meetings in as timely a manner as practicable and to maintain communication with Parents/Caregivers about delays and time compliance issues.

Mutually Agreeable Time Extensions: The Barnstable Public Schools may reach out to Parents/Caregivers and request that the Parents/Caregivers agree to a time extension under the circumstances. For example, if a student's IEP is about to expire or if the evaluation timeline is up but it is not feasible to complete the evaluation due to in-person/observation components, we may reach out to the Parents/Caregivers and request they agree to extend the timelines until a date when processes are likely to be completed. If circumstances change, the Barnstable Public Schools and family may come to another agreement.

Team Member Excusal: With our current circumstances, Parents/Caregivers may waive participation of mandatory and discretionary IEP Team members at meetings. IEP Teams are required to include parents/caregivers, a child who is 14 or older during the life of the IEP, a special educator of the child, a general educator (if the student participates in the general education setting for any part of school day, including specials), a Team Chair, relevant related service providers, and if the Team is reviewing evaluative data, the Team must also include a person knowledgeable about the evaluative data. If we as a school district are aware of a scheduling conflict with an employee, we will reach out to the parent to the best of our ability in advance.

Expired IEPs: According to DESE, if a student's IEP has expired during the school closure, the student's IEP remains valid and in effect even after the expiration date. However, Barnstable Public Schools will reach out to families as soon as practicable in order to set up an annual review for an expired IEP or come to a mutual agreement with the family on extending the annual review date.

Remote IEP Meetings: As noted above, Barnstable Public Schools will make the best effort to hold IEP meetings during school closures. IDEA permits alternative modalities for IEP meetings, such as videoconferencing or telephone conferences. Barnstable Public Schools will ensure that Parents/Caregivers can participate in IEP meetings at a mutually agreed on time and method. The Barnstable Public Schools will consider confidentiality and online protection laws, as noted above.



Tech Meeting and Document Alternatives: If a family is not able to participate in a meeting virtually (Google Hangouts or Zoom), the Barnstable Public Schools will offer them the ability to participate via telephone.

Evaluations:

Based on guidance from USED and DESE, which states that students must be “available” in order to complete special education testing, Barnstable Public Schools are not conducting special education evaluations at this time, but will be exploring options that may allow for the completion of some evaluations at a future date.

Frequently Asked Questions:

Q: During the period of time a district is closed related to COVID-19, must the district provide special education services to students with disabilities? The United States Department of Education (USED) has stated that during this national emergency “school districts must provide a free and appropriate public education (FAPE) 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.” DESE recognizes that these unprecedented circumstances may affect how all educational and related services and supports are provided. While USED and DESE will offer flexibility where possible, USED has emphasized many disability-related modifications and services may be effectively provided remotely or online. Schools may not be able to provide all services in the manner they are typically provided pursuant to students’ IEPs. The provision of FAPE may include, as appropriate, special education and related services provided remotely through resources and supports (such as strategies, projects and packets provided to students matched with regular and ongoing communication from special education team members) and services and instruction (such as virtual, online, or telephonic instruction). During this period of school closure, districts should make every effort to use creative strategies to provide special education instruction and services to the extent feasible. Moreover, any educational opportunities offered to the general student population, including enrichment activities and resources, must be made accessible to students with disabilities.

Q: Does the district need to provide all services on a student’s IEP remotely? During this national emergency, schools may not be able to provide all services in the same manner they are typically provided. Many disability-related modifications and services may be effectively provided remotely. These may include, for instance, extensions of time for assignments, videos with accurate captioning or embedded sign language interpreting, accessible reading materials, and many speech or language services through video conferencing. It is important to emphasize that federal disability law allows for flexibility in determining how to meet the individual needs of students with disabilities. The determination of how FAPE is to be provided may need to be different in this time of unprecedented national emergency.

Q: What types of services can be provided remotely? USED has stated that the IDEA does not mandate specific methodologies. Where technology itself imposes a barrier to access or where educational materials simply are not available in an accessible format, educators may still meet their legal obligations by providing children with disabilities equally effective alternate access to the curriculum or services provided to other



students. For example, if a teacher who has a blind student in her class is working from home and cannot distribute a document accessible to that student, she can distribute to the rest of the class an inaccessible document and, if appropriate for the student, read the document over the phone to the blind student or provide the blind student with an audio recording of a reading of the document aloud. DESE encourages parents, educators, and administrators to collaborate creatively to continue to meet the needs of students with disabilities. Consider practices such as distance instruction, tele-therapy and tele-intervention, meetings held on digital platforms, online options for data tracking, and documentation. In addition, districts can provide resources and supports such as instructional packets, projects, and written assignments that are not dependent on students' access to technology.

Q: How do the school closures impact special education students who receive services in community-based settings and students who participate in inclusive concurrent enrollment programs at institutions of higher education? Although it will not be possible for students to participate in-person in community-based programs and inclusive concurrent enrollment programs at institutions of higher education, districts should make efforts to develop plans collaboratively with community-based providers, colleges, parents/guardians, and students in order for students to access as much programming as possible during this period of extended closure. Once school resumes, the district should review how the closure impacted the delivery of special education and related services to individual students and convene individual IEP team meetings as necessary to make an individualized determination about whether a student will need compensatory or additional services.

Q: A student's IEP expires during the school closure period. Will it still be in effect? Yes. The current IEP will remain in effect until a new IEP is developed and accepted, irrespective of the expired date reflected in the IEP forms.

Q: What about initial, re-evaluation and annual IEP meetings? Will they still occur? Barnstable will pause evaluation, referral, annual review, and plan distribution timelines for all students on IEPs and 504s. This means that as soon as schools reopen, the timelines will commence, as required by state and federal regulations. Additionally, at that time we will be working with families to understand the impact of the closure on individual students and will work to schedule/reschedule meetings as needed.

Q: How can the district hold an IEP Team meeting if school is closed or Team members can't meet face-to-face? In circumstances where an IEP Team meeting may need to be convened during this time when IEP teams are not able to meet in person due to health and safety considerations while schools are closed, districts should convene IEP Team meetings either telephonically or virtually using technologies such as Zoom. Districts must consider whether all IEP team members, particularly parents, have access to necessary technology and accommodations to allow remote participation. Districts should ensure that interpreters are provided during telephonic or virtual IEP team meetings when the parents primary language is not English.

Q: Do I need to make changes to the student's IEP to provide these services? It is not necessary for a district to convene an IEP Team to provide learning opportunities and services to students with disabilities during this period of extended school closures because of the COVID-19 pandemic. On March 21, the U.S. Department of Education issued a fact sheet to clarify what the federal special education law requires for



students with disabilities while schools are closed in this public health emergency. In particular, the guidance made clear that schools must provide a free and appropriate public education (FAPE) to students with disabilities consistent with the need to protect the health and safety of students, educators, and service providers. In these exceptional circumstances, special education services will be provided differently than they are when school is fully operational. Meaningful learning opportunities and ongoing connections with parents / caregivers teachers and service providers are vitally important for students with disabilities. During the coming weeks, schools will continue to develop and expand ways to provide special education services remotely. If your child has Individualized Education Programs (IEPs) you should expect that members of your child's special education team will check in with you to help you and your child access these services. Your child's participation in the activities and supports provided by the school will not result in changes to your child's IEP. IEP meetings are not needed in order for the school to provide services remotely. When school resumes, your child's IEP team will follow up as necessary to determine next steps in supporting your child's progress. We encourage families, school administrators, and teachers to work together to find the best ways to support each child during this challenging time.

Sources: USED fact sheet 3/21/20 and ongoing guidance provided to school districts by Massachusetts DESE

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We understand that this is a challenging and often confusing time for parents of students with disabilities. Please do not hesitate to contact us or your school's team chair or coordinator with any questions you may have. We appreciate hearing from you. We and your children's teachers are learning how to best support you, your children, and each other, and truly appreciate your partnership in this effort. Thank you for everything that you are doing as parents to support your child's engagement in the learning process.

With our warmest regards,

Eric Bruinooge and Catherine Zinni
Directors of Special Education for the Barnstable Public Schools