





OCTOBER 2020 SPEDOMETER FOR LEA ACTION

Getting up to Speed with IDEA and Accelerating Results for Students with Disabilities

DLM Secondary Virtual Q&A Session	October 20, 2020
DLM Elementary Virtual Q&A Session	October 26, 2020
ACT Accommodations Webinar	November 4, 2020
District Staff Users ONLY Virtual Training	November 12, 2020
USEAM	November 19, 2020
Policies and Procedures Manual Virtual Training	December 11, 2020
ACT close date to request accommodations	January 15, 2021
ACT close date to request reconsideration	January 22, 2021
Policies and Procedures Manual Q&A Session 1	February 9, 2021
Data Literacy Trainings	February 22–26, 2021
USEAM	February 25, 2021
Policies and Procedures Manual Q&A Session 2	April 22, 2021
USEAM	April 29, 2021
Approved Updated Policies and Procedures Manual Posted to LEA Website	October 18, 2021

-  [Assessment Updates – Page 2](#)
-  [Ensuring a FAPE in the Midst of COVID-19 Restrictions: COVID Recovery Services – Page 4](#)
-  [Utah Special Education Administrators’ Meeting \(USEAM\) – Page 7](#)
-  [Data Literacy Trainings 2021 – Page 7](#)

UPDATED POLICIES AND PROCEDURES MODEL MANUALS

To receive IDEA Part B funds, each Local Education Agency (LEA) must have in effect a USBE-approved special education program, including policies and procedures that are consistent with the USBE Special Education Rules (Rules IX.A.1.).

“The LEA’s program is approved . . . when the LEA’s special education policies and procedures are approved by the USBE special education staff and then by the LEA’s local board in a public meeting” (Rules IX.A.2.).

“As part of establishing eligibility for Part B funds, [each] LEA must have revised policies and procedures in alignment with the . . . current rules within one year of the final Board approval of these Rules” (Rules IX.A.3.).

The current rules that LEA policies and procedures manual must be in alignment with were approved by the

Special Education

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 Dr. Sydnee Dickson, State Superintendent
 Leah Voorhies, Asst Superintendent of Student Support
 ADA Compliant: October 2020



Utah State Board of Education

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Board in October 2020. Therefore, **each LEA's updated manual will need to be approved by the USBE special education staff, approved by the LEA's local Board in a public meeting, and uploaded to the LEA website no later than October 18, 2021.**

Policies and procedures must follow approved USBE Rules and are the responsibility of the LEA to develop. The LEA policies and procedures are the rules that each LEA is required to follow and implement. An unawareness by LEA staff of the policies and procedures an LEA has in place can put the LEA in a precarious situation and lead to a risk of liability.

The updated model policy and procedure manuals align with the newly approved Rules and include all required components, as well as directions for the additional components LEAs must add. A guidance document has also been created to provides LEAs the opportunity to work together as teams to personalize the policies and procedures manual to fit the unique needs of the LEA.

USBE special education staff will offer a live virtual training session on December 11, 2020 at 10:00 AM to introduce the new model manuals and the accompanying guidance document to help LEAs navigate through the process. Register for MIDAS course #58578. The training will be recorded the training for those unable to attend.

Additionally, two live virtual Q&A sessions will be provided to support LEAs needing additional assistance. Register for MIDAS course #58644.

- 🕒 February 9, 2021 | 9:30–11:30 AM
- 🕒 April 22, 2021 | 2:00–4:00 PM

ASSESSMENT UPDATES

Dynamic Learning Maps (DLM)

[DLM Science self-guided training](#) on is available for you and your teachers on Padlet.

Additionally, there are Q&A sessions this month via Zoom during after-school hours. Use the following links to register:

- 🕒 October 20, 2020
 - 👤 [Secondary Q&A Session](#) | 2:30 PM
 - 👤 After registering, you will receive a confirmation email with information about joining the meeting.
- 🕒 October 26, 2020
 - 👤 [Elementary Q&A Session](#) | 3:30 PM
 - 👤 After registering, you will receive a confirmation email with information about joining the meeting.

Contact [Tanya Semerad](#) or [Tracy Gooley](#) with questions or concerns.

DLM DISTRICT USERS ONLY TRAINING

This training will be for **district staff only**, not for teachers, who oversee the administration of the DLM. This will be an interactive virtual training where participants will learn about DLM's required training facilitation materials, how to create user accounts and rosters in Educator Portal, find score reports and other data extracts, and how to support DLM administrators/teachers. The training will be recorded for those unable to attend. Contact [Tracy Gooley](#) with questions or concerns.

- 🕒 November 12, 2020 | 9:30 AM – 12:00 PM
- 🕒 Register for MIDAS course #58698

DLM TEACHER ADMINISTRATION TRAINING

A self-directed Canvas Course is being created and is anticipated to be ready for users by January 2021. After school Q&A sessions will be scheduled for February. More information will be provided in the SpEdOmeter as it becomes available. Contact [Tracy Gooley](#) with questions or concerns.

DLM RECRUITMENT

DLM has a new event recruitment platform. Participants now have more control to add new degrees and certifications, choose areas of interest for recruitment, and complete event forms. The new platform also helps connect participants with educational experts across the country.

Those that previously participated in events have automatically been rolled over to the new system but should go in and update their profiles.


DLM is also looking for new participants to recruit for item writing, item review, and other events to improve outcomes for students with significant cognitive disabilities and alternate assessments. If there are district personnel and teachers in your LEA that would be good candidates, please pass along this information.

New Members


 Go to the [DLM Recruitment Hub](#).

 Setup an account by selecting the *Join Now* button in the top left corner of the page.

Updating Existing Member Profiles

 Individuals already in the ATLAS recruitment database were automatically set up with personal profiles in the new recruitment platform.

 Go to the [DLM Recruitment Hub](#).

 Scroll to the bottom and select *Forgot Password* to access your new profile via the preferred email address you provided for previous events.

Contact [ATLAS](#) with questions.

1% Threshold Corrections Reminder

The 1% Threshold alternate assessment corrections from the 2019–2020 school year are due to the USBE by November 1, 2020. Upload the corrections to Document Storage in the current UPIPS program and email [Tracy Gooley](#) to confirm the upload.

Also contact Tracy with questions regarding accommodations, statewide assessments, and the 1% Threshold.

Important UTREx News: Multiple Course Records for Elementary Students

UTREx no longer restricts the number of course records that can be submitted for an elementary student. This means that multiple course records may come through UTREx for elementary grade students, which may affect students' rostering assignments for course-based assessments (i.e., Acadience Reading and RISE).

Please see the [Utah Assessment Student Rostering Manual](#) for details on the tie-breakers used to determine which course is used to roster students for specific assessments when multiple eligible courses are assigned.

Contact [Melissa Preziosi](#) in USBE Assessment & Accountability with questions and concerns.

ACT

ACT is hosting an Accommodations Webinar on November 4, 2020 from 3:00–4:00 pm. Please check with your assessment director for the webinar login information.

The ACT Test Accessibility and Accommodations (TAA) System opened September 14, 2020.

September 14, 2020	January 15, 2021	Test Coordinator, Test Accommodations Coordinator	Request accommodations and/or supports for eligible examinees through the TAA.
September 14, 2020	January 22, 2021	Test Coordinator, Test Accommodations Coordinator	Request reconsideration of accommodations and/or supports in TAA.

Due to the threat of COVID-19, the spring of 2020 brought about unprecedented school closures and a sudden transition to remote learning from home. While these changes impacted access for all students to the general education curriculum, they particularly caused significant challenges to those providing special education and related services under the IDEA. However, although LEAs were forced to change the way they provide education for all students during this time, **a duty remains in force for schools to provide a free and appropriate public education (FAPE) to IDEA-eligible students to the maximum extent possible.** LEAs must gauge whether they provided FAPE to the maximum extent possible to eligible students in the spring of 2020 and how to continue to provide FAPE to the maximum extent possible during any future restrictions.

To provide a FAPE, LEAs must offer “an IEP reasonably calculated to enable [a] child to make progress appropriate in light of the child’s circumstances” (Endrew F. v. Douglas County Sch. Dist. RE-1, U.S. 2017). **If an LEA suspects that due to COVID-19-related restrictions, a FAPE was not provided to a student during the spring of 2020 or in the future, the LEA must ensure the student is evaluated in accordance with this document and federal law, and provide COVID recovery services as necessary.**

What are COVID Recovery Services?

COVID recovery services are determined individually for a student by the student’s IEP team to place the student in the position the student would be in had the LEA provided the appropriate services in the first place. COVID recovery services are a way to bridge the gap caused by the unique circumstances LEAs faced from COVID restrictions that may have resulted in denial of FAPE to some IDEA-eligible students.

Who Should Receive COVID Recovery Services?

LEAs should provide COVID recovery services to any eligible student who the LEA determines was denied a FAPE during COVID restrictions, including students who aged-out of the LEA during closures. If an LEA determines a student did not receive a FAPE due to COVID restrictions, the LEA should refer the student to the student’s IEP team for an individualized evaluation and determination of COVID recovery services.

How Does an LEA Identify Students Who Didn’t Receive a FAPE Due to COVID Restrictions?

An LEA should be on the look-out for students who didn’t receive or aren’t receiving a FAPE due to COVID restrictions, including students who aged-out of the LEA during closures. The following questions point to considerations of particular concern:

1. **Did the LEA offer special education and related services during closures?** An eligible student who was not offered special education and related services during school closures while other students at the school continued to participate in general education opportunities did not receive a FAPE and should be evaluated by the student’s IEP team for a determination of COVID recovery services.
2. **During restrictions, did the student make, or is the student currently making, appropriate progress in light of the student’s individual circumstances?** A student who made or is making little or no progress would

be of particular concern for possible denial of a FAPE. An LEA should consider whether the student is a likely candidate for an IEP team evaluation and recovery services.

3. **Was the special education provided to an eligible student specially designed instruction and sufficient in light of the current circumstances?** If the quality and quantity of the special education offered during school closures were not sufficient, the student likely did not receive a FAPE. However, it is important to emphasize that an LEA may take the circumstances of closures and distance learning into consideration when making this determination, since provision of the general curriculum to all students in the state changed during COVID restrictions. The LEA will have to determine whether, in light of current circumstances, it offered special education to the maximum extent possible in accordance with federal and state requirements.
4. **Has a parent expressed concern about a student's progress or the insufficiency of special education and related services during school closures?** In response to parent concerns regarding whether a student received or is receiving a FAPE during school closures, an LEA should make a well-reasoned determination whether a FAPE has been or is being provided and give prior written notice to the parent that either a FAPE has been provided or that the student will receive an IEP team evaluation for consideration of COVID recovery services. (See also question below regarding prior written notice requirements for COVID recovery services.)
5. **Did a parent decline special education and related services when offered during COVID restrictions?** Parent refusal of special education and related services does not constitute an automatic denial of a FAPE by the LEA. LEAs should continue to offer special education and related services to all students with an IEP and document all offers of special education to students during school closures. However, based on individual circumstances, an LEA may not be required to provide COVID recovery services to those who declined services during restrictions.

How Should an IEP Team Determine the Type and Quantity of COVID Recovery Services?

COVID recovery services should be determined by considering all the factors of a student's circumstances and identifying services that will place the student in the position that the student would have been in had the LEA provided the appropriate services in the first place. Mandatory considerations for making this determination include the following:

1. IEP teams should rely on student data to determine which gap exists and determine which COVID recovery services will best fill that gap.
2. COVID recovery services must be individually determined by a student's IEP team for each student who was denied a FAPE and **may not be assigned as part of a blanket remedy**. In other words, an individual determination may not be skipped in favor of a one-size-fits-all solution, such as offering all eligible students an opportunity to participate in COVID recovery services. The determination must be based on the student's individual circumstances.
3. COVID recovery services must be provided **in addition to** a student's regular IEP services; services may not be provided at the same time as or supplant regular IEP services.
4. IEP teams should consider a variety of factors to determine the quantity of COVID recovery services for a student, including: the quantity and quality of services provided during the period of school closure, the ability of the student to access any services provided during the school closure, regression in skills, progress or lack of progress made on IEP goals, and parental input.
5. IEP teams have flexibility in choosing the type and quantity of COVID recovery services for a student. The services do not necessarily need to be in person, and they **do not need to be a minute-for-minute**

substitute for services lost during school closures as long as the services are calculated to put the student in the position the student would have been in had a FAPE been appropriately provided during closures.

6. Requirements for parent participation remain in force as with all IEP team determinations. An IEP team must solicit and consider parent information and concerns when making a COVID recovery services determination for a student.
7. IEP teams must consider whether transportation is a barrier for a student to access COVID recovery services. If a student needs transportation to receive a FAPE, transportation must be provided in the student's IEP.

What are the Prior Written Notice Requirements Related to COVID Recovery

In accordance with USBE Special Education Rules IV.C. Prior Written Notice, an LEA must issue prior written notice if the LEA proposes to initiate or refuses to initiate COVID recovery services. For example:

1. If, in response to a parent's request for COVID recovery services, an LEA determines a FAPE was not denied to a student due to closures, the LEA should issue prior written notice of refusal to initiate COVID recovery services. Include a well-reasoned explanation for why the request has been denied.
2. If, in response to LEA or parent concern, an LEA determines that FAPE was denied to a student due to COVID closures, the LEA and parent should work together as part of the IEP process to determine the recovery services the student needs. Then the LEA should issue to the parent prior written notice that describes the offered COVID recovery services.

What if a Parent Disagrees with the LEA's Refusal or Offer of COVID Recovery

Parents retain their procedural safeguards under IDEA regarding COVID recovery services. As in all situations where a parent disagrees with an LEA or IEP team decision, the parent may seek an informal or formal dispute resolution process to resolve the concern if the concern cannot be resolved at the LEA level. Visit USBE's Special Education Services webpage for more information about [dispute resolution resources](#).

How are ESY and COVID Recovery Services Different?

Description	Extended School Year (ESY) Services	COVID Recovery Services
Guided by	Specifically named and described in IDEA, related federal regulations, and USBE rule as a regular component of a FAPE that IEP teams are required to consider during the IEP process.	Created out of necessity by the USBE State Education Agency (SEA) in response to results of the COVID pandemic.
Purpose	A mechanism determined necessary by an IEP team to ensure a FAPE if normal breaks in instruction thwart a student from making appropriate progress in light of the student's circumstances. ESY is NOT designed to compensate for FAPE deficiencies.	A mechanism to help LEAs bridge FAPE deficiencies due to COVID restrictions, with the purpose of placing the student in the position the student would be in had a FAPE been appropriately provided during the restrictions.
When	Typically during summer break, but also during other school breaks as necessary.	Services can be provided any time outside of regular IEP services.

Description	Extended School Year (ESY) Services	COVID Recovery Services
How	An individual determination is made by the IEP team and guided by federal and state law.	An individual determination of services is made by the IEP team after an LEA determines a FAPE was denied due to COVID restrictions.
Who	Personnel providing ESY services should meet the same requirements that apply to personnel providing the services that are part of a regular school program.	The LEA determines the personnel who will deliver COVID recovery services.
Procedural Safeguards	Parents retain their IDEA procedural safeguards to dispute a determination of ESY.	Parents retain their IDEA procedural safeguards to dispute a determination of COVID recovery services.

NOTE: The guidance provided in this article is addressed to a broad audience of LEAs. Please consult with your legal counsel for questions about the individual circumstances of your LEA.

UTAH SPECIAL EDUCATION ADMINISTRATORS' MEETING (USEAM)

Please save the dates for this year's USEAMs. Register for MIDAS course #42970.

Date	Location	Date	Location	Date	Location
Nov. 19, 2020	Virtual	Feb. 25, 2021	Virtual and Granite Ed. Center 2500 S State, Salt Lake City	April 29, 2021	Virtual and in-person (TBD)

DATA LITERACY TRAININGS 2021

Next year's data literacy trainings have been scheduled for February 22–26, 2021. Information regarding locations and MIDAS registration will be included in a future SpEdOmeter.