



NATIONAL ASSOCIATION OF
School Psychologists

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Honorable Betsy DeVos
Secretary, US Department of Education
400 Maryland Ave, SW
Washington, DC

Mark Schultz
Acting Assistant Secretary, Office of Special Education and Rehabilitative Services
US Department of Education
400 Maryland Ave, SW
Washington, DC

Dear Secretary DeVos and Assistant Secretary Schultz,

On behalf of the National Association of School Psychologists, we appreciate the guidance issued and information shared to help school psychologists and other educators continue to meet the needs of all students in light of COVID-19. As we prepare for the 2020-2021 school year, our members have reached out to NASP for advice on topics that we think are best addressed by the US Department of Education as they relate to legal timelines and specific mandates articulated in the IDEA. We have outlined these questions below and would welcome a written response, or an informal conversation to help us better support school psychologists in their work to serve students with disabilities.

Initial Evaluations/Reevaluations

- How are 'school days' calculated for the purpose of evaluation and IEP timelines when schools are using remote learning either full time or in a hybrid model?
 - Is it the number of total days the school is open for in-person instruction?
 - Will days spent entirely in an online format count towards school days as well?
 - When a COVID case occurs and one classroom or one floor of a school building must close while other students continue instruction, do school days "count" when in-person instruction is available to the school or to a student if remote instruction is not available to those not attending
- In the absence of valid and reliable virtual assessment alternatives, what guidance can you provide to assist special education teams as they make eligibility decisions, particularly for re-evaluations where standardized assessments are not required, but are often requested?
- For schools that will have in person learning, should eligibility decisions be made when assessments are given in a format that is inconsistent with standardization (e.g. sitting 6 feet apart, wearing masks/shields, having a plastic barrier between evaluator and student)?
- If schools are only offering virtual learning, should in-person initial evaluations be conducted? If so, what does the Department recommend for protecting the health of students and staff in these circumstances?

IEP Goals and Service Delivery Minutes

- How do we calculate IEP minutes if schools are in a hybrid instructional format?
 - Is it based on the number of days the school is open for in-person instruction?
 - The number of days the student is available for in person instruction?
 - How do we ensure equity in service delivery for students who opt for distance learning only when in-person is an option?
- How should we adjust service delivery minutes? Should they change proportionate to whatever decrease general education students may have to the amount of time they have access to general education?
- Some social emotional goals are no longer appropriate due to social distancing/remote learning/cohort/hybrid models. When and how should providers change goals to keep them "appropriately ambitious in light of the child's circumstances?" What is the guidance on what goals we keep and what goals we change due to the change in how learning occurs?
- Some IEP services are needed, but not possible via remote delivery (e.g. components of ABA services and physical therapy). How can these needs be met in the absence of in person services (e.g., providing consultation to families virtually rather than providing direct service to the student)?

Discipline

- If students with disabilities receive suspension from in-person learning and then receive remote instruction at home during the suspension, and related services continue to be provided, will this count as a change in placement (I.e., towards the 10 days before having a manifestation determination meeting)?

We appreciate your attention to this matter and look forward to your response.

Sincerely,



Kathleen Minke, PhD, NCSP
Executive Director

CC: Laurie Vander Ploeg, Director, Office of Special Education Programs