

## COVID-19 Guidance for IDEA Programs: A Policy and TA Checklist for SEA Leaders

Produced by the National Center for Systemic Improvement (NCSI) and the IDEA Data Center (IDC), March 11, 2021

Topic	Requirement	Source of Statutory, Regulatory, or OSEP Guidance	Do State policies/TA guidance address this requirement?	State follow-up or action needed?
FAPE	IEP Teams remain responsible for ensuring FAPE is provided to all children with disabilities and ensuring that an IEP is in effect for each child with a disability within its jurisdiction at the beginning of each school year.	IDEA Regulations 34 C.F.R. § 300.323(a) <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1323&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1323&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: •				
**Follow-up action(s) the SEA needs/wants to take: •				
IEP implementation	IEP Teams should discuss how a child's IEP will be implemented with traditional in-person instruction and how services could also be provided through remote/distance instruction if circumstances require a change to distance learning or a hybrid model, e.g., alternate available instructional methodologies or delivery.	OSEP Guidance 9/28/2020 <sup>1</sup> Q1, pg 2	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance:				

<sup>1</sup> All references to OSEP Guidance 9/28/2020 refer to Implementation of IDEA Part B Provision of Services in the COVID-19 Environment <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/ga-provision-of-services-idea-part-b-09-28-2020.pdf>, September 28, 2020, from the U.S. Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs (OSEP).

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<ul style="list-style-type: none"> <li>•</li> </ul>				
<p>**Follow-up action(s) the SEA needs/wants to take:</p> <ul style="list-style-type: none"> <li>•</li> </ul>				
IEP Team participation during school closure	Procedures for excusal of Team members	IDEA Regulations 34 C.F.R. § 300.321 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1321&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1321&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
<p>*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance:</p> <ul style="list-style-type: none"> <li>•</li> </ul>				
<p>**Follow-up action(s) the SEA needs/wants to take:</p> <ul style="list-style-type: none"> <li>•</li> </ul>				
IEP amendments	An amendment cannot take the place of an annual IEP meeting. Prior written notice is required before the public agency proposes to initiate a change in identification, evaluation of placement, or refuses to initiate or change the identification, evaluation, or placement of a child.	IDEA Regulations 34 C.F.R. § 300.324 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1324&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1324&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
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Topic	Requirement	Source of Statutory, Regulatory, or OSEP Guidance	Do State policies/TA guidance address this requirement?	State follow-up or action needed?
Extended School Year (ESY) services	ESY must be provided if the Team determines that services are necessary for the provision of FAPE.	IDEA Regulations 34 C.F.R. § 300.106 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1106&amp;rqn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1106&amp;rqn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
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**Follow-up action(s) the SEA needs/wants to take: •				
ESY services	IEP Team determinations regarding ESY services are prospective and are not intended to make up for past denials of FAPE.	OSEP Guidance 9/28/2020 Q4, pg 4	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
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**Follow-up action(s) the SEA needs/wants to take: •				
ESY services	A child's entitlement to needed ESY services continues to apply even if schools and other facilities are closed due to COVID-19. Public agencies should consider providing ESY services to the child during the normal school year, during school breaks or vacations where appropriate to the child's needs	IDEA Regulations 34 C.F.R. § 300.106 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1106&amp;rqn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1106&amp;rqn=div8</a> OSEP Guidance 9/28/2020	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No

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	and consistent with applicable standards.	Q4, pg 5		
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**Follow-up action(s) the SEA needs/wants to take: <ul style="list-style-type: none"> <li>•</li> </ul>				
Evaluation timelines	Initial evaluations must be completed within 60 days of parental consent, or within the State-established timeframe. The only exceptions to this timeline are if a parent fails or refuses to produce the child for assessment, or is the child enrolls in a new school in a new public agency after the relevant timeframe has begun.	IDEA Regulations 34 C.F.R. § 300.301 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1301&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1301&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
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**Follow-up action(s) the SEA needs/wants to take: <ul style="list-style-type: none"> <li>•</li> </ul>				
Alternative means of participation	If face-to-face meetings are not feasible or practicable, IDEA allows LEAs flexibility to conduct initial and annual IEP Team meetings through alternate means, including a telephone or video conference call, if acceptable to the parents and other IEP Team meeting participants.	IDEA Regulations 34 C.F.R. § 300.328 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1328&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1328&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
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**Follow-up action(s) the SEA needs/wants to take: •				
Reevaluation	LEAs should determine if the evaluation can be done using existing data or if additional assessments are needed, and what assessments can be administered remotely.	OSEP Guidance 9/28/2020 Q7, pg 6-7	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: •				
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Reevaluation	A reevaluation based solely on a review of existing evaluation data must be sufficiently comprehensive to determine whether the child continues to have a disability and the educational needs of the child. The review of existing evaluation data on the child may occur without a meeting and without obtaining parental consent.	IDEA Regulations 34 C.F.R. § 300.300(d)(1) <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1300&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1300&amp;rgn=div8</a> and § 300.305(a) <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1305&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1305&amp;rgn=div8</a> and (b)	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
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Assistive Technology	In developing each child’s IEP, the IEP Team must consider among other things, whether the child needs assistive technology devices and services to receive FAPE.	IDEA Regulations 34 C.F.R. § 300.324(a)(2)(5) <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1324&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1324&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
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**Follow-up action(s) the SEA needs/wants to take: •				
Parent counseling and training as a related service	An IEP Team may also consider whether parent counseling and training is required as a related service necessary for the child to benefit from special education.  <i>Parent counseling and training</i> means assisting parents in understanding the special needs of their child; providing parents with information about child development; and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.	IDEA Regulations 34 C.F.R. § 300.34(c)(8) <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_134&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_134&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
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Level of Support	The IEP Team determines the level of support the child requires – looking across all instructional methods -- fully virtual, fully in-person or a hybrid model.	IDEA Regulations 34 C.F.R. § 300.324 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_134&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_134&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
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Provision of FAPE	FAPE may include, as appropriate, special education and related services provided through distance instruction provided virtually, online, or telephonically.	IDEA Regulations 34 C.F.R. § 300.101 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=d2337d7e5715d082e8387b78df269f5e&amp;mc=true&amp;node=se34.2.300_1101&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=d2337d7e5715d082e8387b78df269f5e&amp;mc=true&amp;node=se34.2.300_1101&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
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**Follow-up action(s) the SEA needs/wants to take: •				
Accessibility of instruction	Federal law requires distance instruction to be accessible to students with disabilities.	See Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students <a href="https://www2.ed.gov/about/">https://www2.ed.gov/about/</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No

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		<p><a href="#">offices/list/ocr/docs/ocr-coronavirus-fact-sheet.pdf</a> (March 16, 2020); OCR Short Webinar on Online Education and Website Accessibility <a href="https://www.youtube.com/watch?v=DCMLk4cES6A">https://www.youtube.com/watch?v=DCMLk4cES6A</a> (March 16, 2020); Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak <a href="https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/ga-covid-19-03-12-2020.pdf">https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/ga-covid-19-03-12-2020.pdf</a> (March 12, 2020); Fact Sheet: Impact of COVID-19 on Assessments and Accountability under the Elementary and Secondary Education Act <a href="https://oese.ed.gov/files/2020/03/COVID-19-OESE-FINAL-3.12.20.pdf">https://oese.ed.gov/files/2020/03/COVID-19-OESE-FINAL-3.12.20.pdf</a> (March 12, 2020); and Letter to Education Leaders on Preventing and Addressing potential discrimination associated with COVID-19 <a href="https://content.govdelivery.com/accounts/USED/bulletins/27f5130">https://content.govdelivery.com/accounts/USED/bulletins/27f5130</a> (March 4, 2020).</p>		
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•				
Written consent	In establishing safeguards for using electronic or digital signatures during the pandemic, a public agency may determine that a “signed and dated written consent” may include a record and signature in electronic form that (1) identifies and authenticates a particular person as the source of the consent and (2) indicates such person’s approval of the information contained in the electronic consent.	OSEP Guidance 6/30/2020 <sup>2</sup> Q1, pg 1-2 (derived from 34 C.F.R. § 300.9) <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_19&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_19&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
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•				
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•				
Notice	Public agencies must obtain informed consent from the parent of the child, consistent with IDEA requirements, before conducting an initial evaluation and a reevaluation, subject to certain exceptions, and before the initial provision of special education and related services to the child. Consent must be voluntary on the part of the parent. Consent means the parent has	IDEA Regulations 34 C.F.R. § 300.9 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_19&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_19&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No

<sup>2</sup> All references to OSEP Guidance 6/30/2020 refer to IDEA Part B Procedural Safeguards in the COVID-19 Environment <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-procedural-safeguards-idea-part-b-06-30-2020.pdf>, June 30, 2020, from the U.S. Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs (OSEP).

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	been fully informed of and agrees in writing to the activity for which his or her consent has been requested.	34 C.F.R. § 300.300 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1300&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1300&amp;rgn=div8</a>		
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**Follow-up action(s) the SEA needs/wants to take: <ul style="list-style-type: none"> <li>•</li> </ul>				
Prior written notice	Prior written notice can be provided through electronic mail (email) with parental agreement.	IDEA Regulations 34 C.F.R. § 300.505 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1505&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1505&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
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Procedural safeguards notice	With parental agreement, a public agency can provide a parent an electronic copy of the procedural safeguards notice (e.g., through email) instead of a paper copy.	IDEA Regulations 34 C.F.R. § 300.505 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1505&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1505&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No

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**Follow-up action(s) the SEA needs/wants to take: •				
Access to education records	If the parent asks to inspect and review specific documents from the child's education records while school buildings are closed during the pandemic, the school and parent should work together to identify mutually agreeable options for access to the education records.	OSEP Guidance 6/30/2020 Q5, pg 4 (See also FERPA and Virtual Learning During COVID-19, March 30, 2020) <a href="https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FERPAandVirtualLearning.pdf">https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FERPAandVirtualLearning.pdf</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: •				
**Follow-up action(s) the SEA needs/wants to take: •				
Use of IDEA Part B funds to provide information	An LEA may use IDEA Part B funds to disseminate health and COVID-19 information that is specifically related to children with disabilities, to develop emergency plans for children with disabilities, or to provide other information (e.g., guidance on	OSEP Guidance 6/25/2020 Q1, pg 1-2 <sup>3</sup> (See also Q&A A-5 of ED's Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No

<sup>3</sup> All references to OSEP Guidance 6/25/2020 refer to IDEA Part B Use of Funds in COVID-19 Environment Q&A Document <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-part-b-use-of-funds-06-25-2020.pdf>, June 25, 2020, from the U.S. Department of Education, Office of Special Education Programs (OSEP).

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	coordination of the provision of services in alternate locations).	12, 2020)) <a href="https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf">https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf</a>		
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**Follow-up action(s) the SEA needs/wants to take: •				
Use of IDEA Part B funds to resume special education	An LEAs may use IDEA Part B funds to engage in activities necessary to resume the provision of special education and related services to children with disabilities.	OSEP Guidance 6/25/2020 Q1, pg 2	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: •				
**Follow-up action(s) the SEA needs/wants to take: •				
Use of IDEA funds consistent with federal cost principles	Costs incurred that are associated with COVID-19 related reasons are allowable if they are reasonable, necessary, and allocable to the grant, consistent with the Federal cost principles described in the OMB Uniform Guidance, are adequately documented, and do not conflict with the applicable statute and regulations.	IDEA Regulations 2 C.F.R. §§ 200.403 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=c1f5f3c83a1fec672536529d936cde3f&amp;mc=true&amp;ode=se2.1.200_1403&amp;rgn=div8,200.404">https://www.ecfr.gov/cgi-bin/text-idx?SID=c1f5f3c83a1fec672536529d936cde3f&amp;mc=true&amp;ode=se2.1.200_1403&amp;rgn=div8,200.404</a> <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=a4520c5d04ba0a0ef60e7af7b2149fd7&amp;mc=true&amp;node=se2.1.200_1404&amp;rgn=div8,200.405">https://www.ecfr.gov/cgi-bin/text-idx?SID=a4520c5d04ba0a0ef60e7af7b2149fd7&amp;mc=true&amp;node=se2.1.200_1404&amp;rgn=div8,200.405</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No

Topic	Requirement	Source of Statutory, Regulatory, or OSEP Guidance	Do State policies/TA guidance address this requirement?	State follow-up or action needed?
		<a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=a4520c5d04ba0a0ef60e7af7b2149fd7&amp;mc=true&amp;node=se2.1.200_1404&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=a4520c5d04ba0a0ef60e7af7b2149fd7&amp;mc=true&amp;node=se2.1.200_1404&amp;rgn=div8</a>		
*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: <ul style="list-style-type: none"> <li>•</li> </ul>				
**Follow-up action(s) the SEA needs/wants to take: <ul style="list-style-type: none"> <li>•</li> </ul>				
SEA options for fund use	States have flexibility in using IDEA Part B set aside funds to support the use of technology to maximize accessibility and universal design principles, purchase online tools, and assistance technology devices, and to increase capacity to improve service deliver to students.	IDEA Regulations 34 C.F.R. § 300.704(b)(4)(iv) and (viii). <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1704&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=7b33f5ca2f403ae1ca430f0925db7da2&amp;mc=true&amp;node=se34.2.300_1704&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: <ul style="list-style-type: none"> <li>•</li> </ul>				
**Follow-up action(s) the SEA needs/wants to take: <ul style="list-style-type: none"> <li>•</li> </ul>				
Maintenance of Effort (MOE) exceptions	There are five allowable exceptions to the LEA MOE requirement. Any COVID related exception to MOE must be consistent with these.	IDEA Regulations 34 C.F.R. § 300.204 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=713c218e51587ac5c62d57db57bf7b72&amp;mc=true&amp;">https://www.ecfr.gov/cgi-bin/text-idx?SID=713c218e51587ac5c62d57db57bf7b72&amp;mc=true&amp;</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No

Topic	Requirement	Source of Statutory, Regulatory, or OSEP Guidance	Do State policies/TA guidance address this requirement?	State follow-up or action needed?
		<a href="#">node=se34.2.300_1204&amp;rgn=div8</a> OSEP Guidance 6/26/2020 <sup>4</sup>		
*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: •				
**Follow-up action(s) the SEA needs/wants to take: •				
Period of availability	States may request a waiver to permit the SEA and subgrantees (e.g., LEAs) to use FFY 2018 IDEA Part B grant award funds for an additional year beyond the Tydings period. Upon approval of the waiver, FFY 2018 grant award funds will be available for obligation through September 30, 2021 and may be liquidated through December 30, 2021.	Statutory Section 3511(b)(1)(B) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act <a href="https://www.congress.gov/bills/116/congress/house-bills/748/text">https://www.congress.gov/bills/116/congress/house-bills/748/text</a> , Pub. L. No. 116-136 (March 27, 2020) OSEP Guidance 6/8/2020 <sup>5</sup>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: •				
**Follow-up action(s) the SEA needs/wants to take: •				
60-day complaint timeline	An SEA may not categorically determine that COVID-19 is an exceptional circumstance that automatically warrants an extension of the 60-day	IDEA Regulations 34 C.F.R. § 300.152(b)(1) <a href="https://www.ecfr.gov/cgi-">https://www.ecfr.gov/cgi-</a>	<input type="checkbox"/> Yes*	<input type="checkbox"/> Yes**

<sup>4</sup> Flexibility in Implementation of IDEA Part B Fiscal Requirements <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/ga-fiscal-flexibilities-idea-part-b-06-26-2020.pdf>, June 26, 2020, U.S. Department of Education, Office of Special Education Programs (OSEP)

<sup>5</sup> Waiver Authority for the Period of Availability for Individuals with Disabilities Education Act (IDEA) Part B Funds for Federal fiscal year (FFY) 2018 <https://www2.ed.gov/policy/speced/guid/idea/monitor/cssos-mfs-2018-waiver-authority-06-05-2020.pdf>, U.S. Department of Education, Office Special Education and Rehabilitative Services, Office of Special Education Programs

Topic	Requirement	Source of Statutory, Regulatory, or OSEP Guidance	Do State policies/TA guidance address this requirement?	State follow-up or action needed?
	complaint resolution timeline. States need to determine on a case-by-case basis whether it is appropriate to extend the 60-day time limit for a particular complaint due to exceptional circumstances related to the pandemic or related health and safety restrictions.	<a href="https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/ga-dispute-resolution-procedures-part-b.pdf">bin/text-idx?SID=713c218e51587ac5c62d57db57bf7b72&amp;mc=true&amp;node=se34.2.300_1152&amp;rgn=div8</a>	<input type="checkbox"/> No	<input type="checkbox"/> No
*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: •				
**Follow-up action(s) the SEA needs/wants to take: •				
Mediation	There is nothing in IDEA that would prevent the parties from agreeing to conduct a mediation through alternative means, such as video conferences or conference calls, if the State's procedures do not prohibit mediation from occurring in this manner.	OSEP Guidance 6/22/2020 <sup>6</sup> Q3, pg 3	<input type="checkbox"/> Yes* <input type="checkbox"/> No	<input type="checkbox"/> Yes** <input type="checkbox"/> No
*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: •				
**Follow-up action(s) the SEA needs/wants to take: •				
Resolution period timelines	There is nothing in IDEA that would prevent the parent and public agency from mutually agreeing to extend the 15-day timeline for the LEA to convene a resolution meeting and the 30-day	OSEP Guidance 6/22/2020 Q4, pg 3	<input type="checkbox"/> Yes* <input type="checkbox"/> No	<input type="checkbox"/> Yes** <input type="checkbox"/> No

<sup>6</sup> All references to OSEP Guidance 6/22/2020 refer to IDEA Part B Dispute Resolution in COVID-19 Environment Q&A Documents <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/ga-dispute-resolution-procedures-part-b.pdf>, June 22, 2020, from the U.S. Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs (OSEP).

Topic	Requirement	Source of Statutory, Regulatory, or OSEP Guidance	Do State policies/TA guidance address this requirement?	State follow-up or action needed?
	resolution period timeline when a parent files a due process complaint.			
*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: •				
**Follow-up action(s) the SEA needs/wants to take: •				
Resolution period timelines	IDEA does not permit an extension of the 7-day resolution meeting timeline or the 15-day resolution period for expedited due process complaints that address disputes about disciplinary removals of students with disabilities.	IDEA Regulations 34 C.F.R. § 300.532 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=713c218e51587ac5c62d57db57bf7b72&amp;mc=true&amp;node=se34.2.300_1532&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=713c218e51587ac5c62d57db57bf7b72&amp;mc=true&amp;node=se34.2.300_1532&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: •				
**Follow-up action(s) the SEA needs/wants to take: •				
Resolution meetings – virtual participation	Where the circumstances related to the pandemic prevent the parent or public agency representative from attending the resolution meeting in person, it would be appropriate for the public agency to offer to use alternative means, such as video conferences or conference calls, subject to the parent’s agreement	IDEA Regulations 34 C.F.R. § 300.328 <a href="https://www.ecfr.gov/cgi-bin/text-idx?SID=713c218e51587ac5c62d57db57bf7b72&amp;mc=true&amp;node=se34.2.300_1328&amp;rgn=div8">https://www.ecfr.gov/cgi-bin/text-idx?SID=713c218e51587ac5c62d57db57bf7b72&amp;mc=true&amp;node=se34.2.300_1328&amp;rgn=div8</a>	<input type="checkbox"/> Yes*  <input type="checkbox"/> No	<input type="checkbox"/> Yes**  <input type="checkbox"/> No
*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: •				
**Follow-up action(s) the SEA needs/wants to take:				



Topic	Requirement	Source of Statutory, Regulatory, or OSEP Guidance	Do State policies/TA guidance address this requirement?	State follow-up or action needed?
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This resource was created under the U.S. Department of Education, Office of Special Education Programs by NCSI and IDC under grant numbers H326R190001 and H373Y190001, respectively. Perry Williams (NCSI) and Richelle Davis and Rebecca Smith (IDC) serve as the Centers’ project officers. The views expressed herein do not necessarily represent the positions or policies of the U.S. Department of Education, and no official endorsement by the U.S. Department of Education of any product, commodity, service, or enterprise mentioned in this publication is intended or should be inferred. This product is in the public domain. Authorization to reproduce it in whole or in part is granted. Suggested citation: Williams Valentine, T., O’Hara, N., and Watson, M. (2021, March). *COVID-19 Guidance for IDEA Programs: A Policy and TA Checklist for SEA Leaders*. National Center for Systemic Improvement. San Francisco: WestEd.

WestEd is the lead organization for NCSI, and Westat is the lead organization for IDC. For more information about the work of these centers and their partners, please see [www.ncsi.wested.org](http://www.ncsi.wested.org) and [www.ideadata.org](http://www.ideadata.org)

For technical assistance to support the implementation of the requirements specified in this resource, please contact your state’s NCSI and/or IDC TA Facilitator, or email [ncsi@wested.org](mailto:ncsi@wested.org).