

September 16, 2020

Form G: Distance Learning Plan Implications for Parents and Students

1. Does the Form G: Distance Learning Plan become part of the IEP?

Yes. *Form G: Distance Learning Plan* is part of the IEP when added by the IEP team at an annual IEP review meeting or added through the IEP amendment process. IEP teams may convene between annual meetings and use the amendment process to make changes to parts of the IEP (compared to the process for an annual meeting at which the entire IEP must be reviewed) or ***an IEP may be amended without convening the IEP team when both a parent and a representative of the local education agency (LEA) agree to make changes to the IEP without convening an IEP team meeting. Parents must be fully informed of the changes being proposed.*** For more information about IEP amendments refer to [Amending Individualized Education Programs: Mastering the Fundamentals](#) on the DESE Special Education Compliance General Guidance web page.

2. If there is conflicting information on the IEP and Form G: Distance Learning, such as different amounts of instruction, which is considered to be the priority?

Form G: Distance Learning Plan was designed to provide a place for the IEP team to document decisions related to distance learning because, in these pandemic times, it is necessary to have a “Plan A” for when schools are able to provide traditional instruction and a “Plan B” for when schools and families must react quickly to provide continuity of learning during unplanned closures. The body of the IEP remains intact and is implemented when the student is attending school. Form G describes the circumstances in which it will be used, which is when the school can’t provide services due to closures. The intent of *Form G* is to promote meaningful discussion and planning between school staff and parents before a pandemic crisis situation including closures occurs. When *Form G* is in place in the IEP then educational services can transfer seamlessly to distance learning and back, as required by local circumstances. The goal is to avoid lapses in services due to the time it takes to make decisions and put resources in place. When an IEP includes a well-developed Form G, educators and parents know how to prepare and what to expect when faced with an unplanned school closure.

3. After a child returns to in-seat learning, is Form G removed and the original IEP goes back into place?

Form G: Distance Learning Plan is not removed but remains in the IEP, as a “Plan B,” in case it is needed again. Due to local conditions, including public health orders, it may be necessary for students to transition back and forth from attending school in-person to distance learning.

4. Does adding a Form G: Distance Learning Plan require an IEP meeting and a provision of Prior Written Notice?

IEP teams will consider at each annual IEP review meeting whether or not it is necessary to include *Form G* for the next year. Prior written notice must be provided when *Form G* is added to the IEP just as prior written notice is provided for similar changes to the IEP.

5. Can goals be changed via Form G: Distance Learning Plan?

Form G is the “Plan B” for when schools have unscheduled closures. *Form G* is a place to document the IEP team’s priorities for distance learning. This means that the IEP team may agree to place some goals at a higher priority during distance learning, but *Form G* does not change any goals.

6. Can service minutes be reduced via Form G or in the IEP due to online learning? If yes, will these minutes be guaranteed to be put back into place when the child returns to in-seat learning?

As described in the response to Question 2, the main body of the IEP, which was designed for implementation during in-seat school attendance, remains intact while *Form G* is being implemented to facilitate seamless transitions from school attendance to distance learning and back, as circumstances require. When schools close in an effort to stop the spread of COVID-19, all students, including students with disabilities, are impacted. Distance learning for all students during closures is not going to be comparable in every way to educational services provided when students are in attendance. Section 504 of the Rehabilitation Act of 1974 requires that students with disabilities be provided equal access to all school programs. IDEA requires that students with disabilities be provided special education services in the least restrictive environment. The amount of direct instruction by virtual means (synchronous instruction) is often reduced for all students but supplemented by learning activities led by parents and other caregivers or the students themselves (asynchronous instruction.) IEP teams developing *Form G* must make individual decisions about how much of the “regular” distance learning program (being offered to all students) the student with an IEP can access and what supports (including accommodations, modifications and special education and related services) the student needs to access the regular distance learning and continue to make progress on IEP goals.

7. Must prior written notice be provided before implementing Form G?

Yes, prior written notice must be provided before implementing *Form G* and should describe the distance learning plan added through *Form G*.

8. Does a full IEP team meeting need to occur to create Form G?

IEP teams are required to meet annually, at a minimum, to review the entire IEP and revise it as necessary. IDEA allows IEPs to be amended between annual IEP meetings to make changes to parts of the IEP. Amendments can be made by IEP teams at an IEP team meeting. Amendments can also be made when a parent and a representative of the LEA agree to make changes to the IEP without convening the entire team at an IEP team meeting. For more information about IEP amendments refer

to [Amending Individualized Education Programs: Mastering the Fundamentals](#) on the DESE Special Education Compliance General Guidance web page.

9. What can a parent do if they do not agree with the plan offered via Form G?

Parents may ask the IEP team to convene for the purpose of revising *Form G*. DESE can provide a facilitated IEP meeting at no cost to parents or school districts. The September 2020 Myth of the Month, [Disagreement Resolution Options in Missouri](#), describes the full continuum of disagreement resolution options available.

10. How does Form G impact the potential for compensatory services for the 2020-21 school year? If the school cannot provide the services, then by adding Form G, does this absolve the school of their obligation to provide services.

Form G: Distance Learning Plan is a contingency plan designed to enable families and educators to transition from school attendance to distance learning when circumstances require schools to close during the school year. Even during a pandemic, schools must continue to make good faith efforts to implement IEPs. These unprecedented times call for creativity and flexibility. While parents continue to have all of the rights outlined in the Procedural Safeguards Notice, IEP teams can be responsive to students' needs by keeping track of their progress. When a student, considering his or her unique circumstances, fails to make meaningful progress the student's IEP team should convene to make changes in the IEP designed to help the child make progress. When students return to school, IEP teams should review IEP goal progress data and consider making changes to IEPs designed to help students get back on track if they have not made progress as expected. This framework puts an emphasis on COVID Impact Services (CIS) rather than a compensatory services model. The shift is subtle and the intent is for teams to carefully consider what they know about the child's performance through data collection and then make decisions about the type and amount of services needed to help the child get back on track. The team's focus should be on delivering services designed to enable the child to benefit and make progress, not too much or too little and not determined arbitrarily.

11. May school personnel use the COVID-19 pandemic and/or the district's chosen pattern of instruction for school reentry as a reason to refuse a parent request to hold an IEP team meeting or conduct an initial evaluation or conduct a reevaluation?

No. All of the requirements in place through the IDEA continue to be in place during the COVID-19 pandemic. School personnel must consider why a parent is making a request and respond based on the needs of the student. The following is an overview of considerations associated with some common requests.

Requesting an initial evaluation: School officials must determine whether there is reason to suspect an educational disability. In doing so, information provided by the parent, information provided by teachers and information in the student's education record may be considered. Refusal of a request to conduct an initial evaluation must be provided in writing, must explain why the parent request is being refused and must inform parents of their Procedural Safeguards rights.

Requesting a reevaluation: The special education teacher or case manager should consider whether the team has enough information to identify all of the student’s educational needs and write an appropriate IEP. Refusal of a request to conduct a reevaluation must be provided in writing, must explain why the parent request is being refused and must inform parents of their Procedural Safeguards rights.

Requesting an IEP team meeting: The special education teacher or case manager should consider all of the parent’s concerns leading to the request to convene the IEP team. State and federal regulations don’t provide details about what circumstances trigger an IEP team meeting, but it is reasonable to expect the team to convene when a parent has concerns about a student’s progress or information about changes in a child’s functioning or when new situations or conditions arise that impact the student’s ability to make meaningful progress. Reasonable requests for meetings should be met by scheduling a meeting. Refusal of a request to convene an IEP team meeting must be provided in writing, must explain why the parent request is being refused and must inform the parents of their Procedural Safeguards rights.

12. My school is reopening with all students using virtual learning. What are my options if my child is unable to meaningfully participate in virtual education services?

Parents may request an IEP team meeting to discuss the child’s educational placement in the least restrictive environment. The IEP team should consider, in accordance with requirements for providing services in the child’s least restrictive environment, what accommodations, modifications and supports the child needs in order to access the regular curriculum instruction offered to all students. If the IEP team determines the child, even with accommodations, modifications and supports, can’t access the regular curriculum instruction offered to all students, then the IEP team must consider all other options, including in-person instruction at home or at school. Many districts have recognized that otherwise healthy students who have significant educational disabilities are not able to make meaningful progress through distance learning offered to all students or modified distance learning and have implemented procedures and practices to allow those students to attend school while following established safety protocols.

13. Related services minutes are being cut in half for many students. Does this kind of change require an IEP amendment?

Yes, though changes could be approached from more than one angle. Either the IEP is being changed to address participation in a long-term (one semester or more) virtual education program, or a *Form G: Distance Learning Plan* is being added to address distance learning needs during school closures. Either type of change can be made at an annual IEP meeting or through an amendment. Both require prior written notice of the change.

Reminder, IEP teams make individualized decisions about what to include on *Form G*. Questions #6 and #10 touch on factors that impact provision of a free, appropriate public education (FAPE) compared to what is offered to all students. When schools close due to the pandemic the educational playing field

changes for all students. When what is considered FAPE changes for all students then it will also change for students with disabilities. IEP teams must continue to make decisions addressing the needs of individual students. Progress monitoring should continue and IEP teams should be responsive in addressing any student's failure to make progress by considering changes needed to the IEP that would be designed to help the student make progress.

14. In place of direct teletherapy for all of the minutes, schools are saying they are providing the remaining therapy through assignments for the students to complete on their own. Does this kind of modification of service delivery for therapies require an IEP amendment?

As with anything related to schools in the COVID-19 pandemic landscape, context is very important. This part of the answer applies to the IEP developed for in person attendance. When implementing the IEP developed for in person attendance, schools do not have to amend IEPs to change the methodology for providing any related service to teletherapy as long as they can still implement the IEP as written. For example, if a student has an IEP that includes thirty minutes a week of language therapy then the thirty minutes could be provided via teletherapy without making any changes to the IEP. The question describes that some, but not all, of the related service therapy minutes in the IEP are being provided through teletherapy and that remaining therapy minutes are being provided through self-directed student assignments. Providing assignments for students to complete on their own would not count towards provision of related service IEP minutes through in person therapy or through teletherapy.

This part of the answer applies to *Form G: Distance Learning Plan*. When IEP teams are developing *Form G* they can agree to promote continuity of learning for some goals ordinarily addressed through related services by providing targeted assignments for the student so he or she can keep practicing skills. Remember, *Form G* is a "Plan B" for when the IEP can't be implemented as intended due to school closures that change the educational playing field for all students.

15. My school offers parents the option to select distance learning or in-seat when school begins. My child has an IEP and I was told by school officials that I will have to home-school if I select the distance learning option.

Students participating in distance learning options offered by the local school district remain enrolled at the local school district. The local school district remains responsible for providing a free appropriate public education through an IEP. IEP teams should convene to write an IEP that describes how to support the student during distance learning.

16. When a child who is home-schooled has an Individualized Service Plan (ISP), does the ISP include Form G?

Yes. The team should use *Form G* as a contingency plan for when school closures impact provision of services through the ISP. This applies to parentally placed private school students who have ISPs as well. School closures may change the location or methodology for providing proportionate share services.

17. Is Form G implemented for a student when the student's whole classroom or building is closed because of the pandemic?

Yes. *Form G* is implemented for students with IEPs. A school district is responsible for continuing educational services when a whole class or building (or bus route) is forced to quarantine and the district is counting the days when some groups of students are quarantined as attendance days.

18. Is Form G implemented when an individual student is absent due to illness?

Individual situations should be addressed case by case. Schools would first implement their health, safety and attendance policies as they would for any student. If the student with an IEP who is dealing with an illness can be supported sufficiently through conventions in place in district policies (assignments provided, extended time for making up work and tests, etc.) then no additional supports may be needed. A student's IEP team could decide to transition to *Form G: Distance Learning Plan* to provide additional support during a student absence, if needed. When a student's unique circumstances require a change in placement, the IEP must consider whether Home Services is the least restrictive environment for a student.