

Overview

We have all done our part the past year to reduce the spread of the virus. We will continue to follow recommendations around vaccinations, stay-at-home orders, face-masks in public, and honor the social distancing guidelines, as they change and evolve. These safety measures appear to be making a difference, and we have been able to resume our typical services and instruction. This guidance document takes many variables into account and provides the framework for return-to-school for 22-23 will look like, keeping in mind that the guidance is not static and may change as conditions change.


Goal

The intention of this document is to offer guidance for NKSD and families to be mindful of as we continue to provide instruction and services to students with disabilities post pandemic.

The goal is to support families and NKSD at this critical time and to equip them with the knowledge and tools they will need to navigate the physical, educational, and legal challenges of educating students with disabilities as we move to a global endemic. In presenting this plan, we recognize the need to be flexible.

Context

In determining next steps for supporting students with disabilities during this global endemic, it is important to remember that the original intent of the Individuals with Disabilities Education Act (IDEA) was to address the educational services offered to children with disabilities. 20 USC §1400(c)(2)(A)-(B). Students with disabilities should have the same opportunity to receive an education as non-disabled peers. Students with disabilities receiving special education under the IDEA have a right to a free appropriate public education (FAPE) in the least restrictive environment (LRE).



The circumstances within which all children, in the general and special education populations were educated changed virtually overnight during the pandemic. Legislative or regulatory change and guidance has to emerged in what it means to comply with an IEP or provide FAPE, post pandemic.


The critical concern is that some would seek to impose a presumption that school districts are expected to provide “compensatory services” due to a global pandemic resulting in the closure of school buildings. Compensatory services have traditionally been required only when a school district has failed to offer an appropriate education to a student with disabilities. Under the extraordinary and unprecedented circumstances of COVID-19, the ability to educate all students and for educating students with disabilities in particular changed dramatically and suddenly.

The unique circumstances of an unsafe school environment must be considered when evaluating a school district’s offer of education generally, and good faith effort to implement a student’s IEP or Section 504 plan. Reasonably, compensatory services should be applicable only when services were not offered when NKSD personnel could have reasonably done so.

Further guidance from the RI Department of Education asks for assurance that IEP teams have discussed learning loss and strategies and compensation to address the issue. NKSD have been fortunate that the school closures were very limited in nature and the schools were open for the 21-22 school year.

Moving Forward to SY22-23

NKSD is committed to working for the success and progress of all students and engaging in a common approach that is viable for students. NKSD will continue to keep our students' Free Appropriate Public Education (FAPE) obligation at the forefront of decision-making, taking into account the specific needs and circumstances of each student with disabilities. Supporting students with disabilities will also require NKSD to conduct an individualized review of the educational impact of these circumstances and determine appropriate next steps, taking into consideration whether or not a student has experienced a loss of skills and/or lack of progress as compared to their non-disabled peers, in light of the child’s circumstances. An analysis in light of the child’s circumstances is consistent with the ruling of the Supreme Court in *Endrew F.*⁹



If a nondisabled student is not receiving the same degree of instruction and service as they would receive in a school building, it is reasonable to expect that students with disabilities would similarly not be offered the same amount of instruction that they would receive while in a school building.

NKSD will review assessment data and identify overall trends and gaps in student learning to design systematic supports and interventions for ALL learners. NKSD will need the patience and support of families, advocates, and the community to take the time to make an appropriate determination, taking into account the needs of students. That time can be used to allow districts to identify the range of and plan for additional supports and services that may be needed to allow all students to regain skills and make progress in their education.

NKSD Office of Pupil Personnel continues to use resources and personnel to educate students safely, thoroughly, and in a way that is consistent with legal obligations and abiding health and safety requirements. Decisions about individual students will need to be made in the context of the realities of what SY22-23 looks like for NKSD. NKSD will recover from this historic situation and will make every attempt to use good faith effort to support the needs of our most vulnerable learners.

Parent Communication

NKSD Office of Pupil Personnel strongly recommends teams cultivate a two-way communication with families. The frequency and type of communication will vary depending on the individual student needs. As always, school personnel will document all of their communication with parents.

Students with high risk medical conditions

Parents/guardians of students with high risk medical conditions are encouraged to consult their child's healthcare provider to discuss the appropriateness of attending in-person instruction. Those students with documented medical conditions prohibiting them from attending school, will be considered for Homebound Instruction. Required paperwork is available at the PPS office, who also approves any request.

Services

The Office of Pupil Personnel will comply with the North Kingstown School District Covid 19 mitigation plan and PPS protocols when providing special education and related services.

1. Full In-person (while meeting the current health and safety requirements)

NKSD is mindful of the additional special education and related service providers who will need to enter the classrooms throughout the school day to provide services to students with disabilities in the least restrictive environment. Special education teachers and related service providers will provide IEP services within the general education setting either individually or in small groups. This will be scheduled and coordinated to best meet the needs of the students per the IEP.

II. Private Parochial Students and Walk-in Services

For students whose primary education takes place outside of the NKSD, those services will be provided by a special education and related services based upon current guidance. This would include private and state preschool. NKSD staff will adhere to Private/Parochial school COVID mitigation protocols and state mask mandates.

Referral / Eligibility/ Annual IEP Meetings:

The team will convene for meetings as deemed appropriate to determine student needs to remain in compliance with the RI Department of Education and US Department of Education regulations to the best of our ability, aligning to the current circumstances. These meetings may be hosted virtually, or in person, based on current guidance and parent preference. Protocol for holding meetings (virtual and in person) is shared [here](#).

In the event of school closure, NKSD will follow a safety protocol when conducting evaluations and testing with children. See protocol [here](#).

IEP Progress Reports:

NKSD will continue to report on the student's progress towards his/her goals over the school year, at the designated intervals of reporting, as required by federal law.

Questions:


Direct Service Providers: For some students, they require closer supervision and contact. Direct service providers include personal care assistants, direct support professionals, paraprofessionals, therapists, related service personnel (SLP, OT, PT, APE), school nurses, and other staff who may come in close contact with students with disabilities. Due to the need to be closer than the minimum physical distancing requirements when instructing some students with disabilities, NKSD recommends that staff follow the personal care protocol (found [here](#)) when there is high community spread.

Personal Care: NKSD will provide, to the extent possible, appropriate PPE for staff who help our students with personal hygiene needed. All universal precautions will be made.

De-escalation & physical interventions: For some students with behavioral challenges, they require de-escalation to regulate their behavior. This sometimes manifests itself in the school setting. Staff will use a variety of strategies to support student de-escalation and will only use physical interventions as a last resort. In situations where the student has a history of challenging behavior, staff will be provided with appropriate PPE while supporting the student to ensure safety for both students and staff. Guidance on de-escalation can be found [here](#) when there is high community spread.

Student equipment: Some of our students require the use of specialized equipment which could include sensory tools, gait trainers, FM systems, AAC devices, etc. Equipment and any additional instructional tools or materials for students will be assigned to the location in which the student spends the majority of their school day. This will allow the following of cleaning protocols throughout the school day and stored/ charged in the classroom.

Transition/Vocational experiences (high school only): Transition services like community based instruction, transportation training via public bus and work experiences in the community may put the student and others at risk of exposure. NKSD will work in collaboration with community setting to adhere to their COVID protocols. Although some in-person participation in community based programs may be limited at this time, teams will make best efforts to develop plans collaboratively with community based providers,



parents/guardians and students in order for the student to access as much as possible transition programming as possible. Current health and safety requirements must remain a priority when making decisions as to the extent that transition services are able to be accessed in the community based setting. In-person transition services will continue as it is safe to do so with proper health and safety measures in place while in our district schools.

Disclaimer: We reserve the right to make changes, edits or revisions to any and all aspects of this guidance document and supplemental protocols as we receive and consider additional guidance from the RIDOH, RIDE and the CDC and continue to monitor COVID-19 trends.