



Pennsylvania Department of Education
Bureau of Special Education (BSE) Guidance

Local education agencies (LEAs) must provide a free appropriate public education (FAPE) consistent with the need to protect the health and safety of students with disabilities and those individuals providing education, specialized instruction, and related services to these students. Due to the COVID-19 pandemic, LEAs may not be able to provide all services in the same manner they are typically provided. In these instances, LEAs should work to ensure that a student receiving special education services is continuing to be provided with FAPE, as appropriate and reasonable for each student's circumstances. Educational and related services and supports may need to be adjusted accordingly.¹

LEAs may hold individualized education program (IEP) Team meetings for any student in which they believe it to be necessary or based on parental request. LEAs should continue to follow local practices regarding revising an existing IEP. LEAs should consult with their solicitor.

As an alternative to holding an IEP Team meeting, LEAs may issue a Prior Written Notice/Notice of Recommended Educational Placement (PWN/NOREP) when: (1) an LEA's continuity of education plan includes special education services to students with disabilities under IDEA, and (2) an LEA makes temporary adjustments in services, as appropriate and reasonable based on each child's circumstances, during school closure. This approach ensures LEAs are documenting services offered during school closure as well as providing an opportunity for meaningful parent participation.²

If LEAs decide to utilize the PWN/NOREP, LEAs should review each student's IEP and identify on the PWN/NOREP the provision of appropriate and reasonable services under each student's current circumstances, while making good faith efforts to ensure each student with a disability is provided the special education and related services identified in the student's IEP to the greatest extent possible. LEAs should pay particular attention to specially designed instruction, related services, and transition planning.

LEAs should consult by phone or virtually with parents on the initial draft of the PWN/NOREP. LEAs should then provide parents with a written copy of the PWN/NOREP that contains the proposed appropriate and reasonable services they will be providing during school closure. If LEAs are unable to contact parents after reasonable attempts, LEAs should mail a cover letter and the PWN/NOREP to the parent.

¹ [USDE Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children With Disabilities \(March 21, 2020\).](#)

² Act 13 of 2020 requires each school entity to provide written notice to the parent or guardian of each student with an IEP of the school entity's plans for ensuring the student receives FAPE as required under IDEA. The law does not specify what form of written notice is required. An LEA could simultaneously fulfill the written notice requirement set forth in Act 13 by issuing a PWN/NOREP.

LEAs should consider including the following information in the PWN/NOREP:

- During the Governor's mandatory school closure, the LEA is making every effort to ensure the student is receiving the special education and related services identified in the student's IEP to the greatest extent possible.
- Due to the Governor's mandatory school closure and COVID-19 social distancing requirements, the LEA is temporarily adjusting services as appropriate and reasonable during this circumstance. The LEA is not proposing to change the type and level of services.
- Upon review of the student's IEP, the LEA proposes to provide the following services during school closure [list services, including type, duration, and frequency]. The proposed services that the LEA has identified are reasonable and appropriate during the Governor's mandatory school closure.
- Upon return to typical school operation, the special education and related services outlined in the student's IEP will resume immediately.

Once school resumes under typical circumstances, a child's IEP Team must make an individualized determination whether and to what extent appropriate compensatory education or other future services may be needed, within a reasonable timeframe and consistent with applicable requirements, including to make up for any skills that may have been lost during the closure.

For **annual IEP Team meetings**, LEAs should make every effort to stay within the federal and state timelines through phone conference or virtual meetings, even if these meetings establish an annual plan that looks beyond the temporary interruption of school-based instruction caused by the COVID-19 closures.