



Introduction

The Office of Special Education had the opportunity to highlight the purpose of the additional language incorporated as part of the “Parent (or Guardian) Statement Prior Notice and Parent (Guardian) Consent“ during the October 15, 2020 Student Support and Services Committee Meeting.

As you are aware, all IEPs have “Consent Language” asking parents/guardians or adult students permission to implement the IEP. In an effort to be transparent during these uncertain times of the pandemic we learned many lessons to include realizing we needed the ability to transition from hybrid (in-person) to distance learning or vice-versa as health conditions allow. Therefore, LCPS temporarily updated the Prior Notice and Consent Language to seek consent to both models in order to minimize the disruption of services should we need to shift educational models.

This slide deck outlines the purpose of the added language and offers an explanation of each paragraph.



Prior Notice and Parent (or Guardian) Consent

October 15, 2020 - Student Support and Services Committee



LCPS Prior Notice and Consent

Purpose of Language Added at the Start of 2020-2021 School Year:

The current IEPs, with updated Prior Notice and Consent language, describe special education services for both in-person and distance learning platforms, and allow parents to provide consent for services in both models.

1. Allows for a Fluid Transition of Special Education Services If/When A Student's Class, School, or School Division Changes Learning Platform;
2. Minimize Delays in Providing Services to Students with Disabilities;
3. Maximize Instructional Time to Students; and
4. Protect the Time of Parents, Teachers, and Administrators.

LCPS Prior Notice and Consent

Allow for a Fluid Transition of Special Education Services If/When A Student's Class, School, or School Division Changes Learning Platform:

1. We anticipate that there may be multiple changes to students' services during SY 2020-2021 as students move from in-person to distance learning platforms.
 - a) LCPS needs to be prepared for students, classes, schools, or the division to be quarantined or closed.
2. Without the added language, every time there is a change between in-person and distance learning platforms (and a subsequent change in special education services), an IEP meeting would be required for many/most students.
3. IEP meetings often take a week or more to schedule and may last multiple hours, or even result in multiple meetings which can result in a delay in service delivery

LCPS Prior Notice and Consent

Minimize Delays in Providing Services to Students with Disabilities:

1. LCPS cannot unilaterally implement a change to a student's IEP/special education services. Written parental consent is required.
2. The current IEPs describe special education services for both in-person and distance learning platforms.
3. The updated Prior Notice and Consent language allows the school division to transition between models without additional IEP meetings or additional consent.
4. This process is in place to ensure that students with disabilities receive the **previously agreed upon services appropriate for the respective platform without any delay.** A delay which would exist if additional IEPs meetings must be convened.

LCPS Prior Notice and Consent

Maximize Instructional Time to Students:

1. When public health changes require that students move from in-person to distance learning platforms (or vice versa), the school staff must be afforded flexibility to immediately shift services as described in the IEP.
 - a) Without this language, every time there is a change in learning platform, an IEP meeting will be necessary, resulting in days or weeks before the special education services can be updated to reflect services appropriate for the learning model.
2. If each time there is a change to learning platforms, IEP meetings must be held for every, or even 30% of LCPS students with disabilities, then LCPS is convening thousands of IEP meetings.
3. When an IEP meeting is held, some set of students are not receiving services from the students' regular providers. (General education teacher, special education teacher, related services providers such as speech pathologists, and building administrators are typically in IEP meetings). IEP meetings can last hours and pull school staff away from teaching both the student subject of the IEP meeting and many other students.

LCPS Prior Notice and Consent

Respect the Time of Parents, Teachers, and Administrators:

1. There is no requirement that parents agree to the language in current IEPs.
2. For parents who do not agree to an IEP that allows for services to transition between in-person and distance learning platforms, LCPS staff are prepared to move as quickly as possible to schedule IEP meetings when changes in the environment require such a change.
3. For other parents, an IEP that describes services in both in-person and distance learning platforms, provides the parents with peace of mind knowing that the services for both learning models have been developed.
4. An IEP that describes services in both in-person and distance learning platforms, allows parents (as well as teachers and administrators) to avoid multiple meetings and focus on the other important aspects of their respective jobs.
5. Nothing in the IEPs prevent the parents from requesting an IEP meeting at any time.

Unpacking the Language: Paragraph 1 and 2

Paragraph 1: We anticipate that there may be multiple times during SY 2020-2021 when changes occur to students' services as students move from in-person to distance learning platforms. Therefore, the IEP team has developed an IEP that describes services in a school and/or distance location. The IEP services will be adjusted to align with the number of days that the Student is assigned to each learning platform.

Paragraph 2: A narrative example to explain to parents how this process may work. For example if in-person instructional days are increased from 2 days to 4 days of learning than than the IEP services will also be adjusted accordingly to align with the number of instructional days.

Unpacking the Language: Paragraphs 3, 4, and 5

Paragraph 3: A statement to inform parents of when services will and will not be provided. LCPS is required to provide services to students with disabilities in alignment with the school division calendar. ESY services are an exception and determined by the IEP team.

Paragraph 4: A statement explaining to the parents the effect of granting consent to the proposed IEP. This will provide the flexibility to shift from one location to another (hybrid or distance learning) while providing services without interruption. Informs parents of their right to request an IEP meeting at any time to consider amendments to the IEP.

Paragraph 5: Standard IEP form language that tracks the regulatory language related to prior written notices taken from the VDOE IEP Sample language.

Essential Points

- New language provides flexibility and does NOT take away any rights of the parent/guardian
- New language provides flexibility to shift smoothly between hybrid and distance learning platforms if needed based on health and safety conditions
- Maximizes service delivery without interruption
- Minimizes disruption to instruction
- Follows the LCPS calendar established for the school year
- Parents/guardians can provide partial consent to the IEP

Essential Points

- Parents/guardians can request an IEP meeting at any time
- The consent does not include any language stating or implying that the parent/guardian is waiving any rights under IDEA, or the provision of services is conditioned on such a waiver.

