

To: Superintendents, Special Education Directors
From: Dr. Nancy Holsapple, Director of Special Education
Date: March 11, 2020
Subject: Meeting IDEA /Article 7 Timelines During eLearning Days, Expanded Learning Opportunities, or School Closures Due to COVID-19 Concerns

The Indiana Department of Education (IDOE) Office of Special Education has received several inquiries regarding how a school is to meet certain required Article 7 timelines if a school is closed, as a strategy to stop or slow the spread of COVID-19 in communities. Specific concerns center around conducting the evaluation and convening the case conference committee (CCC) within 20 or 50 instructional days of receipt of parental consent and convening the CCC for the annual case review (ACR) within one year of the previous ACR.

1. **Evaluation Timelines**

If a school makes a decision to close and does not utilize eLearning Days or expanded learning opportunities, the days of dismissal are not instructional days, so this type of closure will not impact timelines for conducting evaluations. If, however, school remains in session through the use of eLearning Days or expanded learning opportunities, then those days do count as instructional days and the 20 or 50 instructional day timeline to complete evaluations must be followed.

While utilizing eLearning Days or expanded learning opportunities, it may still be possible that the multidisciplinary team can complete its evaluation report within the required timelines depending on how much and what portions of the evaluation have been completed. Additionally, school personnel should work with their local health department and the parent to inquire about meeting with the student to conduct the educational evaluation.

2. **CCC Meeting or Annual Case Review**

Schools have the option to conduct CCC meetings teleconference, videoconference, or through a Webex if an in-person meeting is not possible.

Although there is no provision under the IDEA or Article 7 permitting a waiver of the timelines established in the federal regulations, a school should take appropriate actions to comply and document its efforts to comply with timelines. Communication with the parent is essential to meet the requirements.