

FAQ: SPED LOU, Aug 2020

Dear LWEA Special Education Teachers and ESA's.

This was a particularly tough LOU to write and work on. To be straightforward, the state and Federal government are requiring that for students who, cannot access any remote learning, districts must provide them in-person services. Please find the OSPI Reopening Washington Schools 2020: [Special Education Guidance](#). Our guidance from the Washington Education Association has also provided direction that is consistent. For students that cannot access remote learning, LWSD must provide them in-person services. The initial court cases (*Case name: J.V.2 v. New York City Dep't of Educ., 120 LRP 20667, S.D.N.Y. 07/08/20*) about districts only provide or offer any remote services during the pandemic have not resolved in favor of the districts who did not provide any in-person services. This does not mean all students will be on campus, it should mean only a small group will be on campus for the time being. Staff that are high risk or cannot work in-person, will be identified by LWSD for remote work. For those staff that cannot work in-person, LWSD will work to align them with students who do not qualify for in-person support and/or find assignments within their certification area.

The LWEA team worked very hard to provide support and expectations that could provide the safest environment possible given this hard reality. LWSD has committed the time and resources to provide staff with a safe environment. Please review the safety language and SPED document carefully. We have also worked to create this FAQ to help answer questions about our LOU and what support you can expect as we enter this very uncertain time.

General Questions

1. Who approved of the in-person work expectation?
 - LWSD assessed the OSPI guidance and federal guidance on the necessity of in person services.
 - LWEA is responsible for bargaining the working conditions of the districts instructional model.
 - Our goal as LWEA members was to create an environment that met a high level of safety for staff and students.
 - This was an incredibly hard conversation and our team worked hard to set boundaries that we felt would minimize risk for staff.
2. If I am not high risk, will I be required to provide in-person services?
 - This is a possibility. LWSD will be asking staff to work with families, using a rubric to help guide decision making, to assess if the student qualifies for in-person services.
 - It will be up to an IEP team to decide if a student should go on campus for services.
 - LWSD will be reaching out to assess staff ability to work in-person over the coming days.
 - Parents will be asked to indicate if they will send their students to campus or work remotely.
 - LWSD will be working to pair appropriate staff with student need, this may mean a shift in caseload and students who will be on your caseload.
3. Do I have to have a medical verification before claiming high risk status?
 - Governor Jay Inslee provided a new proclamation you can find [here](#).
 - When an employee is 65 or older or within an "increased risk" category- employers cannot ask for medical verification.
 - If you are wanting to take a paid leave you will need to follow to LWSD leave protocol, which may require a doctors note.
 - But if you to claim a "might be at risk" category or ask to use leave, then the employer can ask for verification.
 - These two terms (increased risk and might be at risk) are defined by the CDC.
4. Which programs will be in-person?
 - Generally, in-person services are only for those students who cannot access remote learning and are considered highly impact.
 - There is not a specific program, but this will mostly be those students that are highly impacted and cannot access any remote instruction.

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- Any decisions about services should be part of the IEP process, which includes parents, sped staff, general education staff, etc. and should be documented. If a district (IEP team) can show that they made changes to the student's program (IEP) in order to increase the likelihood of meaningful progress WITHOUT in-person services, I believe that would hold up legally. It is the process and consideration of the student's individual needs that is critical.
5. Will IA's and paraeducators be in-person?
 - In the same way some LWEA members will be on campus, LWSD will be assessing and pairing staff that can work in-person with appropriate in-person assignments.
 6. Will I have to teach remote and in-person?
 - No. Our team worked diligently to ensure that if you are teaching in-person, you will not be expected to provide synchronous instruction.
 - You will be expected to send students home with asynchronous materials when they are not in-person, on campus learning.
 7. Amended IEPs- Why \$86?
 - We know that many IEPs will require an amendment. In order to recognize this workload increase, we did a bit of math. The goal was to capture the time average time spent on amendments and individual nature of caseloads.
 - Our team determined that amendments take between 1-2 hours (on average). At the timecard rate of \$50, we felt that \$86 was the medium that would best recognize the average amount of work done at the timecard rate.
 8. Do we still get paid for multiple IEP team meetings?
 - Yes, if not specifically called out or amended, that portion of the contract is in force.
 - Per section 13.6 (page 23) of the contract, "certificated members may be compensated for time outside of the contracted day for multiple meetings for the same student." It requires prior approval from an administrator.
 9. About that \$86 amendment, what is meant by "per IEP, per student?" Does this apply to the full year?
 - For each amendment completed before Oct 15, teachers will receive \$86.00
 - This is not for the whole year.
 10. Evaluations, why \$200?
 - 4 hours (average) for a reevaluation at the timecard rate of \$50 is \$200.
 - This rate will be specifically for evaluations extended from the spring of 2020. Many extensions were set for Oct 1, 2020, but some were scheduled later in the first semester. LWSD will identify the evaluations that were extended beyond October first and will request their completion before October 15.
 - These identified evaluations (that had an extension date after Oct 1) will need to be completed prior Oct 15. OSPI has indicated that while there is some grace at the start of the year to complete these in-process documents, they must be in compliance in order to qualify for the federal funding count on November 1.
 - Team members should work collaboratively to determine how to assign the four hours of assessment time. We are encouraging teams to assign and submit their time in one hour portions if multiple staff worked on the evaluation.
 - For example, a psych spends 2 hours on the evaluation, and OT spends 1 hour and a sped teacher spend 1 hour. You should all turn in timesheets for that your individual testing time and indicate it was for the evaluation.
 - Another example. Say an evaluation takes 8 hours. You will still only receive the \$200. But you should work as a team to determine what the chunks should look like. If a team cannot agree to the split, LWSD special services department will be the final decider.

- Some teams completed evaluations in the Spring of 2020 and shared with parents that they would revisit these evaluations once school resumed. However, if an assessment extension was not included, LWSD does not have a way to recognize these additional evaluations from the spring of 2020. LWSD and LWEA will be meeting in later October to work on recognizing any additional caseload reevaluations are causing LWEA members.
11. ESA Prep Time on Wednesday
 - In the interest of supporting OT, PT's, SLP's during this remote learning phase. LWSD and LWEA agreed to increase their planning time. This will be happening on Wednesday and can be continuous or scheduled flexibility, should still result in 3 hours of total planning time on Wednesday.
 12. Evaluations, will these need to be done in-person?
 - As much as possible, evaluations should occur remotely.
 - When that is not possible, the evaluation will need to be in-person.
 - If you are working remotely and your student needs an in-person evaluation, notify your administrator and team leads and they will work to find another person to do the assessment.
 13. Can my administrator assign me responsibilities during my planning time?
 - No. If they do, they will need to pay you for your planning time.
 - Your responsibility is to plan and prepare during that time.

Remote Teaching Questions

14. What kind of videos can I use to support synchronous instruction?
 - You can use videos to support your students and support your synchronous instruction.
 - Please follow the [LWSD guidelines](#) on acceptable videos.
 - YouTube is still currently not a platform that LWSD endorses or allows staff to access.
15. Can I access videos outside of the grade level?
 - Yes, however, you should be selecting materials that are age-appropriate to support your students.
16. So, I can set my own hours?
 - Yes. But you will need to communicate your schedule with your supervisor. You will still need to work the prorated FTE you are contracted. (E.g 1.0 FTE is 7.5 hours).
 - We know that working at home can be challenging and that some students may need to reach you in non-traditional hours.
 - This provision is intended to let you set your workday hours (scheduling in prep, lunch, CMT and your student minutes).
17. Wednesdays- what should that look like?
 - You will need to provide your students with asynchronous materials for that day.
 - However, you should use Wednesday for planning, connection, collaborating with your colleagues, etc.
 - Therapists may choose to serve students if they believe it works best in their schedule.
18. Connection Hours- why do I have to hold connection hours?
 - During the spring and summer, we heard from members that just connecting with students and families to support them remotely was of huge importance.
 - Connection time is intended to provide this time and offer some structure for families and staff in a remote environment.

19. The LOU Says, Teachers can access materials created by the district. What types of materials are being created by the district?
- This can be found in the Gen Ed Letter of Understanding.
 - For elementary please look at section VI.B.8.a-c for references about materials.
 - For high school please look at section VI.C.10 for references to materials on Wednesday.
20. Do I have to teach in-person, if I am a remote teacher?
- Per the information above, you might have to do an evaluation in-person (with all appropriate safety protocols in place). If you are a high-risk or cannot go in person, we worked on language that would allow you to decline and this would be assigned to another staff person.
 - You will not be expected to provide in-person teaching if you are assigned to work remotely. LWSD and LWEA recognize that remote learning is a stop gap to support public health in a pandemic.
 - Any additional staff coming onto campus will need to be approved by LWEA and LWSD. We hope to discuss the thoughtful phasing in of staff as COVID-19 conditions improve.

In-Person Work Questions

21. Will students be able to attend both the AM and PM blocks of time?
- No. Students will attend one of the blocks of time.
22. Will I have to teach both blocks of time?
- Yes, you will need to support two blocks of time in the workday.
 - We designed the blocks of time to allow for CMT, prep, lunch, and cleaning between groups.
23. What if I have over 4 students in a group?
- If you get over 4 students in a class, please know that you can spread them between two or more rooms to increase social distancing.
 - If you have 4 students, then you are still able to spread into the appropriate spaces that you believe would serve your students and still ensure supervision.
24. What rooms can I take?
- We know that some staff may choose to space out their students.
 - If the student has another staff person with them, you could take a few rooms at once. Or just use one larger space.
 - Please work with your admin on which spaces you need. Space for student learning is the priority at this point.
25. What PPE will be available?
- PPE is based on task.
 - Because the task will require being with students who may not be able to wear a mask or maintain 3 feet, LWSD has committed to the highest level of PPE for staff.
 - For example, staff working with students who cannot maintain physical distance and/or wear a mask will receive gloves, gowns, face shields, N95 masks, and respirators.
26. What will I need to do on Wednesday, as a teacher teaching in-person?
- You will work from home on **Wednesday**.
 - You can set your schedule for this day and should communicate it with your building level supervisor.
27. How much cleaning will I need to do?
- At this point, LWSD has the custodial staff to support the small group of students on campus.
 - There will be support for cleaning between sessions and an increase of cleaning in high touch areas.
 - Staff will be given cleaning supplies. Our team encourages staff to utilize the existing staff in the program to help clean your workspace.

28. Phase in Period

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- This is designed to slowly bring staff onto campus so they and their students can adjust accordingly to the new PPE, safety rules, and regulations.
- This is not intended to be a long phase in, but thoughtful as parents and staff meet to assess if the student would qualify for in-person services.

29. Teaching Remotely

- If you are teaching in-person, you will not be responsible for live/synchronous instruction.
- You will be responsible for providing asynchronous materials for students to do when they are not in-person or on campus.