

FAPE Considerations for Return-to-Learn

Introduction

The disruption caused by the reaction to the coronavirus affected every area of society, including education. This disruption exposed the need for the education system to anticipate a significant interruption of services and be prepared to continue educational services. In order to support a fluid change in the delivery of services so that educational services are not interrupted in the future, IEP teams need to discuss and decide the services and supports a student will need in a variety of educational delivery models. Iowa schools are currently planning for three possible models: On-Site (brick and mortar), Hybrid, and Continuous Learning (virtual).

Regardless of the delivery model used (On-Site, Continuous Learning/virtual, or Hybrid), districts must ensure that eligible individuals receive a free appropriate public education (FAPE). FAPE is determined individually based on a complex intertwining of concepts, meaning that FAPE will look different for each eligible individual. Additionally, an individual's FAPE may look different in Continuous Learning/virtual and Hybrid Learning environments than in an On-Site Learning environment. For example, two of the key components of FAPE are to meet the standards of the state education agency (SEA) and include an appropriate preschool, elementary, or secondary school education. If an elementary school is providing one hour of virtual instruction a day to first grade students, the amount of special education a first grader in that school receives in a Continuous Learning environment will be different than the amount the same receives while in an On-Site environment.

Orientation to FAPE and Other Terminology Used in Document

This document focuses on FAPE considerations for an individual in a Continuous Learning or Hybrid Learning model. Readers wishing to understand the fundamental components of FAPE regardless of educational delivery model are encouraged to review the [Department's Considerations for a FAPE guidance](#). The term virtual learning is used in this document instead of Continuous Learning as it is more explicit terminology for parents and others outside of the education system. Specifically, virtual learning is used in this document to reference educational services that are provided through technology such as online or telephone. Virtual learning also includes hard copy materials/packets that are provided as adaptations or modifications for those that cannot participate in typical virtual learning methodologies. Hybrid learning refers to educational services that are provided as a combination of virtual learning and on-site learning.

The following table displays each of five components included in the definition of FAPE and provides IEP team considerations for each component, depending upon the educational model of delivery. The five components were identified from the IDEA definition of FAPE (see [FAPE guidance](#) for a more detailed description of each component):

Special education and related services that—

- (a) Are provided at public expense, under public supervision and direction, and without charge;
- (b) Meet the standards of the SEA, including the requirements of this part;
- (c) Include an appropriate preschool, elementary school, or secondary school education in the State involved; and
- (d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§300.320 through 300.324 (34 C.F.R. § 300.17; Iowa Admin. Code r. 281-41.17).

Considerations for FAPE

FAPE Component	Examples of FAPE Applied to Learning Model		
	On-Site Learning	Continuous (Virtual) Learning	Hybrid Learning
Unique Needs of Eligible Individual <i>Example: Learner works well with a routine schedule and familiar people. Changes in routine and transitions are more successful with advance planning and use of visuals. Learner is working on increased socialization with peers and uses a communication device.</i>	Physical, cognitive, social, emotional, behavioral, communication, and health needs of learner as a result of the disability are addressed through special education related or support services that are: • Primarily provided in-person, • Provided on a routine schedule, and • Provided by many people. In this setting, the learner participates in the general education environment in small group settings for core instruction, eats lunch with no more than three peers, and uses a visual schedule to transition between classroom routines. The learner also benefits from use of social stories and peer mediated intervention to assist with socialization.	Physical, cognitive, social, emotional, behavioral, communication, and health needs of learner as a result of the disability are addressed through special education related or support services that are: • Provided from a distance, • Synchronous or asynchronous, • Typically provided in a home environment with less structured routines, • Dependent on student or other's ability to navigate technology, • Dependent on support from within the home to provide hands-on services, and • Typically provided by a consistent, small group of people. In this setting, the learner will be more successful if a predictable routine is implemented and online learning is engaging, visual, and consistent. Use of social stories, videos, and visual schedules during online lessons (as well as in the home) will be beneficial. The learner participates in online learning and receives additional materials/packets at home.	Physical, cognitive, social, emotional, behavioral, communication, and health needs of learner as a result of the disability are addressed through special education related or support services that are: • Provided in-person and at home, location may change daily; • Organized around a schedule that has some routine but changes daily; • Structured with many transition points across learning situations; and • Provided by many people and may vary by location (e.g., home or school). Given the need for consistent and predictable schedules and routines, the Hybrid model may not be successful for this learner. The IEP team may want to consider using either the On-Site model or the Continuous Learning model and slowly transition the learner to learning in both environments, depending on the student's unique characteristics. If the learner participates in the Hybrid model, they would benefit from a

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			consistent, predictable schedule for both in-person learning and online learning. Use of visual schedules, social stories, and videos would be beneficial.
Public Expense - Supervision and direction - At no charge	- SPED teacher monitors delivery and progress on IEP through direct provision, observation, and review of data and meetings. - All materials, including assistive technology are available. - Special education funds are used for materials, technology, or equipment only when they are needed by the individual as a result of the disability. - Costs for materials, technology, or equipment needed by any student are paid for with general education funds. - Parents pay fees that are applicable to all students.	- SPED teacher meets weekly or more frequently with parent/other providers to describe weekly lessons and discuss progress and needed adaptations. - Any packets or materials given to the parent/caregiver include detailed instructions on how to use them with the individual and how to access additional support if there are questions. - All instructional materials are provided (hard copies, manipulatives). - Student assistive devices are available at home, including those needed to access and participate in instruction. Family knows how to use them.	- Student assistive devices are available in each setting, including those needed to access and participate in instruction. - Specialized transportation is added to the IEP if needed to ensure participation.
Standards of the SEA - General curriculum - Other state standards	District policies and procedures align with relevant legislative requirements including Chapter 12 - General Accreditation Standards; Chapter 103 - Corporal punishment ban, physical restraint, seclusion, and other physical contact with students; and every other chapter	- Grade level content available to all learners is available or modified for the learner, according to the unique circumstances of the individual. - Amount of instructional time provided to the learner is comparable to the amount of instructional time provided to all	Instruction towards standards continues with accommodations and modifications to meet student's unique needs. Priority areas are identified and continue through the Hybrid model.

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	of law that establishes standards for education in Iowa. Special education learners are general education students first and as such have access to, participate in, and benefit from application of state standards provided to all students.	learners.	
Appropriate Preschool, Elementary School, or Secondary School Education - Age appropriate - Same age peers - Location - Placement	- Student attends a traditional school in the district. - Student is provided age appropriate instruction with same age peers. - On-site learning occurs within the school setting. - Student attends a more restrictive setting only when services and supports can't be provided in the regular school setting.	- If all students are receiving services virtually, learner's receipt of virtual services is a location issue (district is providing all services through Continuous Learning). - The student is provided age appropriate instruction, including developmentally appropriate screen time. - The student receives group instruction with same age peers. If a student cannot receive instruction virtually, IEP team considers ways for the learner to play/interact virtually with peers. - SDI will take place virtually.	- If all students receive Hybrid services in the same manner (e.g., two days in school, one day virtually), then learner's receipt of Hybrid services is a location issue. - If the unique circumstances of the individual require the student to participate differently (all on-site or all virtual), then it is a placement issue and the IEP needs to reflect the difference. - Student transitions to in-person services with peers as quickly as possible given the unique characteristics of the individual.
IEP - Parent and other IEP team member participation. - Present levels of performance to be involved in and	- All required members of the IEP team are present and participate in developing the student's IEP. - Meetings are in-person or combination of in-person and phone. - Typically only one meeting is	- All required members of the IEP team are present and participate in developing the student's IEP. - Meetings are virtual or over the phone. - Many meetings or conversations may be needed to adjust the IEP	- All required members of the IEP team are present and participants in developing the student's IEP. - Meetings may be on-site, virtual or over the phone. - Many meetings or conversations may be needed to adjust the IEP

FAPE Component	Examples of FAPE Applied to Learning Model		
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access general education. - Goals to be involved in and progress in general education curriculum. - Goals to meet other needs as a result of the disability. - Special education and related services to make progress and participate in nonacademics and extracurricular.	needed to establish the annual IEP. - Some IEPs will be amended to address changes across the year. - The IEP team discusses the student's present level of performance and what goals, accommodations, and modifications are needed for the student to make progress in the general education curriculum and other needs as a result of the disability. - The team determines any needed supports for the child to access extracurricular and nonacademic activities. - Progress is monitored and adjustments are made as needed.	as situations change. - The IEP team considers the virtual learning environment, available supports, and student needs to prioritize and adjust goals, services, and supports (as needed). This includes what services will be provided, who will provide them, and their frequency/duration. - The IEP team identifies ways the child can access the learning through an online format, including the instruction which can be provided through an online learning format and additional supports the learner needs to access the material. - The team determines any needed supports for the child to access extracurricular and nonacademic activities. - The team identifies any adjustments to progress monitoring that are needed. Frequent contact between school and family to adjust as needed. - The team identifies any parent supports that are needed.	as situations change. - The IEP team considers both learning environments, available supports, and student needs to prioritize and adjust goals, services, and supports (as needed). This includes what services will be provided, who will provide them, their frequency/duration, and any needs to make the transition between on-site and virtual. - The team determines any needed supports for the child to access extracurricular and nonacademic activities. - Team identifies any adjustments to progress monitoring that are needed. Frequent contact between school and family to adjust as needed.